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ORIGINAL

## GUAM LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management Conference Room  
ITC Building, Tamuning



Thursday, February 23, 2017  
1:40 p.m. to 4:17 p.m.

**GUAM LAND USE COMMISSION**  
**Regular Meeting**  
**Thursday, February 23, 2017**  
Department of Land Management Conference Room  
3<sup>rd</sup> Floor ITC Building, Tamuning

**MEMBERS PRESENT:**

Mr. John Z. Arroyo, Chairman

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

**HYBRID COMMISSIONERS: [MCOGDLM\_2017-01, Wonderful Resorts]**

Mr. Jesse. M. Blas, Mayor – Yona

Mr. K.T. Susuico, Mayor – Agat

Mr. Vicente S. Taitague, Mayor – Talofofo

Mr. Dale E. Alvarez, Mayor – Santa Rita

**PLANNING STAFF PRESENT:**

Mr. Marvin Aguilar, Guam Chief Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

# GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting: Thursday, February 23, 2017

Time of Meeting: GLUC: 1:40 GSPC: 4:00pm

Hybrid:

<input checked="" type="checkbox"/>	GLUC
<input checked="" type="checkbox"/>	Regular
<input type="checkbox"/>	Special
<input checked="" type="checkbox"/>	Quorum
<input type="checkbox"/>	No-Quorum

<input type="checkbox"/>	GSPC
<input type="checkbox"/>	Regular
<input type="checkbox"/>	Special
<input checked="" type="checkbox"/>	Quorum
<input type="checkbox"/>	No-Quorum

## COMMISSION MEMBERS

## SIGNATURE

Chairman John Z. Arroyo

Vice Chairman Victor F. Cruz

Commissioner Conchita D. Bathan

Commissioner Tae S. Oh

Commissioner Hardy T.I. Vy

HYBRID COMMISSION - Wonderful Resorts

Mayor Jesse M. Blas (Yona)

Mayor K.T. Susuico (Agat)

Mayor Vicente S. Taitague (Talofofo)

Mayor Dale E. Alvarez, (Santa Rita)

Michael J.B. Borja, Executive Secretary

Kristan Finney, Legal Counsel

Marvin Q. Aguilar, Chief Planner

Frank Taitano, Planner IV

Penmer Gulac, Planner IV

Celine Cruz, Planner IV

M. Cristina Gutierrez, WPS II

NICK TOFT, LEGAL COUNSEL

ADJOURNMENT:

Hybrid:

ADJOURNMENT:

GLUC: 1:40

GSPC: 4:20

## Speaker's Sign-In Record

**Location: Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning**



**GLUC**

**Regular**

Date:

**Thursday, February 23, 2017**



**GSPC**



## Special

**Time:**

1:40 pm / 4:18 pm (GEC)

☒

## Quorum



**No Quorum**

**Adjournment:**

4.17 ppm / 4.20 ppm (G8AC)

**(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)**

[illegible]



**Location: Department of Land Management Conference Room  
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning**

<input checked="" type="checkbox"/>	GLUC	<input checked="" type="checkbox"/>	Regular	Date: Thursday, February 23, 2017
<input checked="" type="checkbox"/>	GSPC	<input type="checkbox"/>	Special	Time: 1:40pm / 4:16pm (G&C)
<input checked="" type="checkbox"/>	Quorum	<input type="checkbox"/>	No Quorum	Adjournment: 4:17pm / 4:20pm (G&C)

[illegible]

**GUAM LAND USE COMMISSION REGULAR MEETING MINUTES**  
**Department of Land Management Conference Room, 3<sup>rd</sup> Floor ITC Bldg., Tamuning**  
**Thursday, February 23, 2017 • 1:40 p.m. to 4:17 p.m.**

**I. Attendance**

**Chairman Arroyo** called the regular meeting of the Guam Land Use Commission for Thursday, February 23, 2017 to order at 1:40 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh and Commissioner Hardy Tan-Vy, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Guam Chief Planner Marvin Aguilar, Planning Staff Celine Cruz and Recording Secretary Cristina Gutierrez

**Hybrid Commission** Mayor Jesse Blas (Yona), Mayor K.T. Susuico (Agat), Vicente Taitague (Talofofo), and Mayor Dale Alvarez (Santa Rita)

**II. Approval of Minutes**

**Chairman Arroyo** first of order of business is the approval of the last board meeting that was held on February 9, 2017. You all have had an opportunity to read the minutes, I will entertain a motion.

**Vice Chairman Cruz** move to approve the Minutes of February 9, 2017.

**Commissioner Oh** second.

**Chairman Arroyo** moved by the Vice Chair, seconded by Commissioner Oh. Any discussion? [None noted] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Oh and Vy]. Minutes are approved.

**[Motion to approve the February 9, 2017 Minutes was passed unanimously; 5 ayes, 0 nay]**

**Chairman Arroyo** moving onto the next item on the agenda. Per Public Law 33-219, this application is concerning a project in Yona the cost of which exceeds the three-million-dollar threshold. So, at this time we need to convene the hybrid commission.

So, I would also like to welcome Mayor Blas (Yona), Mayor Susuico (Agat), Mayor Taitague (Talofofo) and Mayor Alvarez (Santa Rita).

Together with the GLUC Commissioners, we now make up the Commission for the hybrid Commission. This Commission will hear the first application in front of us.

### **III. Old or Unfinished Business**

- A. Wonderful Resorts LLC (dba: Wonderful Windwards Hills Resort); request for clarification and approval on multi-family use within a previously approved Planned Unit Development (PUD) for the proposed construction of townhomes on Lot 154-2-4-REM-NEW-2-REM, in the Municipality of Yona. **[Continuation – GLUC hearing of 2/09/2017]**  
Case Planner: Marvin Aguilar

**Chairman Arroyo** for the purpose of the members of the hybrid commission. The project had been approved in 1972. Over time, the property changed hands and the project never really got off the ground. The current property owner is now looking to develop the property. He first came to us back in February with a proposal to construct 12 townhome units on the property. At that time, we went back to the records to find out what information we had on file regarding that project and the approval. We found through the minutes that the PUD was approved, but the supporting documents were not on file. The Commission had nothing to guide ourselves on the development they were seeking to construct.

So, we had asked them if they had anything in their records. We actually invited one of the former members of the Territorial Planning Commission who was a Commissioner at the time, to a meeting to ask if he had any recollection of that application and whether or not the supporting documentation required by law was submitted, and he could not recall. We did find some documents on file that kind of alluded to the development of the property. We compared what was submitted back then to what the property has been developed into, and it is kind of similar.

To move forward we all recognized that this is an approved PUD. We just need to have something to base the development on. And so, we had asked the property owner to come back and submit a master plan; one that we can take a look at, and today what we are going to do is hear them describe the master plan. And then hopefully at the end of the presentation we will vote to accept or not accept that master plan.

[For the benefit of the Mayors, Chairman Arroyo introduced himself as Chairman and did a round-robin introduction of the Vice Chairman and the GLUC Commissioners, Executive Secretary and Legal Counsel.]

**Chairman Arroyo** before moving forward, Chairman Arroyo recognized a few dignitaries in attendance at today's GLUC meeting; Senator Tom Ada, Senator Frank Aguon and Senator Fernando Esteves, and welcomed them to the meeting.

Chairman Arroyo gives a brief explanation on how the Commission conducts its meeting; starting with the Chief Planner's report, applicant's presentation, followed by questions/answers and discussion.

**Marvin Aguilar (Chief Planner)** reads Commission brief report. [For full content/context, please see attached Update Report]

**[Attachment A – Commission Brief dated February 6, 2017]**

**Chairman Arroyo** does anybody have any questions of the Chief Planner? [None noted] At this time we would like to ask the applicant to come forward, and please state your name for the record.

**Mike Blas Makio** [Architect with Taniguchi, Ruth and Makio Architects, and the authorized representative of the project.]

**Aquilino Cabrias** Civil Engineer for the project.

**Mike Makio** gives a presentation to the members of the Commission. [For full content/context of Mr. Makio's presentation, please refer to the attached exhibit.]

**[Exhibit 1 – Applicant's Power Presentation for the Windward Hills Country Club]**

Mr. Makio explained that the development is set up for the rental market. Also discussed was elements like senior active living housing. The idea is to have a well-rounded community and not to develop a community that is so targeted that it actually becomes obsolete once a particular market leaves.

- In terms of smart growth, it is a good way to have a sustainable community because that community will continue to grow and develop. The program was also developed to encourage permanent jobs in the village of Yona and the surrounding areas. TRMA also conducted studies on creating elements such as wetland farming and other local traditions so that local farming and community plots could also feed those services and products into the some of the development components.
- Mr. Makio emphasized that there is a need for a clear understanding of which of the original PUD program elements apply to this property. Feedback from the Commission at its previous meeting was to provide a more holistic master plan that presented all the potential uses and vetted that under proper planning procedures in order for the Commission could make a decision.
- The PUD program's concept focuses on smart growth and the diversity of housing types and PUD uses within reasonable and fair density requirements. The PUD allows for a condominium, a hotel; this information was taken and tried to fashion or program those elements in a way that would work with the site and the village.
- Consideration of front yard, side yard setbacks for single and multi-family dwellings, condominiums which were applied to the project.



- Explains images of the project site. Mr. Makio adds that they had taken some care to make sure that they were maintaining the golf course residents' environment to have that large open space preserved. In addition, although that the PUD has not been fully realized, several components of the PUD already exists, and the development was not an aborted attempt.
- Next slide displayed the PUD map (approved in 1972) that included single family homes, multi-family dwellings, hotel, condominium and shops, tennis/racquet-ball club, a pavilion, air field light industrial, golf course and fresh water lake.
- Next slide displayed the overlay and these images call-out the specific program uses that still kind of fit within the property line that the owner is focused on.
- Mr. Makio discussed the outreach to the community; some of the questions from the community included discussions on impact to roadways and traffic, effects on the erosion, density inquiry, the treatment of wetlands. Other comments were related to mass transit; impacts to water and other services. Also discussed was active living which also implies support for senior citizens and that could be in the form of augmenting transportation, and having a pharmacy in the neighborhood.
- In the PUD, there are about seven and twelve locations where small businesses can be established.
- Next slide – actual plan of the PUD program. A LIDAR topographic survey was prepared so that there was a better understanding of where the topography was sloping, and the reason for this was to minimize and mitigate cutting and filling so that it would not have to be done.
- Mr. Makio pointed out on the image displayed that the brighter green area was the actual fairways of the golf course and maintained. The lighter shade of green is the green areas that are outside of the fairways. The golf course is still a very large and relevant portion of this program and that will add a quality of life for this development coming in.
- Mr. Makio clarified that these were not luxury homes as reported by the media. These are not million dollar homes, but are good quality executive homes.
- Next slide – displays the images of the phases of the development. Phase I, 16 dwelling units, Phase II, 68 dwelling units, Phase III, 105 dwelling units and Phase, IV 224 dwelling units and Phase V, 75 dwelling units. Mr. Makio added that in Phase IV a new access road will be added to mitigate traffic impacts to the existing roads and provides a routing for new power, water and sewage.
- Phase V will be the hotel component of the PUD program. The hotel component was re-worked so that it is more consistent with smart growth. There was also discussion earlier about the number of units and how it evolved. Mr. Makio pointed out that at the initial

meeting with the GLUC that the applicant was only focused on the multi-family component of the PUD. The request from the GLUC was to show all the components that were available to the PUD. When you add the hotel component which is allowed by the PUD then that number grows by 75-units and that is where the evolution came from.

- This proposed master plan will help the agencies to project what the uses will be. This is an actual concept that can be provided to the agencies as a planning tool.
- Next slide – images of the footprints of the proposed dwelling units.
- Next slide – images of the proposed hotel. The clubhouse will be on the ground level and all the clubhouse facilities; additional amenities include multi-use neighborhood scale retail, postal service, health club, playgrounds, convenience store, Pharmacy, pet grooming services, daycare, sidewalks, running paths and sport activities.

The hotel suite will have a living room, kitchen, bathroom plus two bedrooms. The target market will be TDYs, or service apartments as they are referred to in Asia. It is a hotel, but intended for longer stays and there are 75-units.

- Images of the designs and footprints of the homes (single and multi-family dwellings).
- Next slide – Mr. Makio reads PUD Regulations as stated in the GCA Zoning Code. (Full content/context can be found in Exhibit 1)
- Next slide – density calculations per PUD law. PUD requires 70 percent open space to 30 percent enclosed. Mr. Makio emphasized on the density calculations that the proposed total residences were 488 units, over 168 acres that comes out to 2.90 dwelling units; very important, because in almost every subdivision that exists on Guam they are using four dwelling units per acre. This project is at thirty-percent (30%) less than that number.
- Next slide – discussion with Guam Waterworks and their concerns. GWA believes that they have sewer and water available for Phases I/II. Phases III, IV, V will have to correlate with the ongoing wastewater treatment plant improvements.

Chairman Arroyo inquires if the water tank contingent was put in place in case sewer and water hook up was not available for Phases 1 and 2.

Mr. Makio responded “no.” GWA anticipates the water tank would become necessary in Phases 3, 4 and 5. Mr. Makio added that he is promoting to the owners that there are smaller tanks that would feed each of the phases. If one of the water tanks goes off-line it can still feed off the other available water tanks.

Chairman Arroyo also asked when would they have a definitive answer that the development can hook up to the infrastructure for Phases I and 2. **Mr. Makio replies** that

when and if they clear this process then the engineering work for the two phases will be submitted to GWA, and GWA will advise what the limitation will be in terms of capacity.

Chairman Arroyo – suppose that that is not possible, what will happen. **Mr. Makio responds** that the capacity governs this and because of the nature of the development, and this being a golf course, septic system was not an option and would have to go with sewage ability. GWA and GEPA felt that there would be adequate capacity for the first two phases. If it turns out that in Phase II (68 homes) and they can only accommodate 30 homes that is where they will go. The number of homes built will be determined on what GWA can accommodate. Mr. Makio pointed out, *“we have to be cognizant too because the rest of the community needs those services as well.”*

GWA also indicated that the pressure for fire protection system may require pumps and there maybe system development charges and other conditions that they maybe placed on the development.

- Next slide – GPA will need phasing dates early during the preparation of permit/engineering drawings to coordinate supply.
- Next slide – DPW traffic. Traffic impact analysis estimated the additional traffic from the development. The PUD shares an access road to Route 17 with the adjacent homes. There was a study on the intersection traffic levels anticipated for the PUD. Conclusion is that the existing roads have adequate capacity to handle both the existing and additional volume traffic. A new access road will house utilities and traffic in Phases 3, 4 and 5 and will mitigate and minimize road disruptions.
- Next slide – Guam EPA outreach. Lidar survey (as mentioned earlier) was done to determine where slopes are located for better storm water runoff management; discussion with GEPA also includes low impact development, best management practices, rehabilitation and enhancement of the wetlands.
- In summary, outreach was done with GPA, GWA, EPA and DPW/Traffic to establish open communication and this is just part of good planning. The AE and property owner have maintained zoning regulations and setbacks, and have strived to provide balance and compatible density that supports a desirable character for the PUD and for Yona. With Smart Growth, multi-use planning and sustainability prioritized in the design and construction of the project, the PUD will add to the village of Yona and provide a positive example of density for other design and construction projects in the south.

**Chairman Arroyo** how many more additional cars was anticipated being added to the interior roadway for Phases I and II, and how it would impact the existing traffic of those roads because the roads are narrow.

**Aquilino Cabrias** responded that for Phases I and II of this development the anticipated increase in traffic would be about 57 vehicles per hour.

**Commissioner Oh** an increase from what original number of cars.

**Aquilino Cabrias** explained that originally it was approximately 19 vehicles per hour and because of the proposed development it will increase by 57 for a total of about 76 vehicles per hours.

**Commissioner Oh** that will be about a three or four-fold based on current traffic conditions.

**Aquilino Cabrias** the calculated capacity of the intersection at this time coming from the golf course is 173 vehicles per hour. So, the capacity is way more than the anticipated total traffic after the development.

**Mike Makio** explained that the existing roadway is designed for capacity of up to 173 vehicles per hour, and so this development will take it to 76 vehicles.

**Chairman Arroyo** you are talking about the interior roadways. I am talking about inside the development with the increase of cars coming in and out going to their homes and what not, how much more traffic is that going to create. Interior to the development; how much more traffic is that going to create with the existing residents in the area.

**Mike Makio** it would be the same. It is the same vehicles and it would be just another intersection further down.

**Vice Chairman Cruz** same vehicle meaning ---

**Mike Makio** the numbers that we just read, the 76.

**Aquilino Cabrias** that is inside the development.

**Mike Makio** it is both because they will be driving past the intersection that you are talking about. The same vehicles are driving past that intersection to get to Route 17 intersection.

**Commissioner Oh** inquired if there was a traffic light at the Route 17 section. **Mr. Makio** responded that he thinks that a traffic light is programed under the CIP program. **Mr. Cabrias** added that at the current time there is no traffic light at the intersection.

**[Discussion ensues on traffic coming in and out of the development and Route 17 intersection, and the potential affect it may or may not have due to this development. Mr. Makio added that the capacity of the intersection is 173 and that when it approaches this number that is when the traffic planners will advise you to do something different.]**



**Commissioner Bathan** in terms of timing of the development, and as mentioned earlier you are focusing on Phases I and II (up to five phases). What is the timeline for the development of all the phases?

**Mike Makio** the first benchmark would be the availability of the infrastructure. Once that is known, there are estimates that it could be 24-months out or could be 5-years out. Assuming that the market demand continues then the development could probably go on for another ten or twelve years. Those homes that are coming on line will not be built all at once. They would be added in along with the availability of the infrastructure and it will be spread out.

**Chairman Arroyo** for these two phases, there will be a separate homeowners' association for this development, and how will it be handled.

**Mike Makio** responds that they are going for the rental market. This will be handled by the management company for the organization, and believed that the management company becomes a member of the existing HOA.

**Commissioner Oh** is there a proposed height for the hotel.

**Mike Makio** professed that he is a LEED (Leadership in Energy and Environmental Design) accredited professional and likes more height and the reason for more height is to get taller windows, with taller windows there would be more natural daylight all the way back into the space. Mr. Makio is proposing the ground floor at 15-feet and the upper floors at 12-feet and would allow that height. That would take it to about 75-feet for the hotel.

**Commissioner Oh** how many stories would that be.

**Mike Makio** six stories (affirmed by Mr. Cabrias). The height of the hotel was a direct correlation to try not to put additional structure on the ground. So, we purposely arrived at that height and this is the height that works. We were able to stay within our density requirement and able to maintain the open space and it is a workable height.

**Commissioner Oh** have you engaged any of the neighbors.

**Mike Makio** explained that they have not had a whole time to do that; there was a door to door campaign done, but nothing formal.

**Chairman Arroyo** how has that gone?

**Mike Makio** hit or miss because not everybody is home, and we have not had a whole lot of time to get into it. Also, getting feedback from the Mayors has also been very helpful in the process.



**Commissioner Oh** you had mentioned earlier that you are trying to go for the rental market. Is there a certain market segment that you are considering.

**Mike Makio** we know that there is a growing senior active living community and they are well positioned financially to take advantage of rental markets near golf course homes. We also know that there is kind of a growing professional community that is available to take advantage of the homes. This development is reasonably close to the villages of Agat and Santa Rita and the Naval Station, so it is also available for those homes as well. If you think about these markets, these are markets that really do not like things "super dense", really tall towers they do not like that. That is factored into how we profiled our buildings.

**Commissioner Oh** if you look at the character of the development as a whole, you are talking about hotel, single family dwellings. I am thinking you have different target markets in mind.

**Mike Makio** that is true.

**Commissioner Oh** are you considering to catering to the local residents also; talking about senior active living housing, and also targeting off-island guests through the hotel.

**Mike Makio** yes, absolutely; service apartment type living. Mr. Makio added that if they made the development in such a way that it would appeal to a lot of people, then they would have that market to draw from and that would help bring success to the project. There is definitely a local viable rental market.

**Commissioner Oh** is there a certain figure in mind.

**Mike Makio** no, we have not gotten into a Performa for the homes.

**Commissioner Oh** this is just my concern. Everything that is proposed is great. I am trying to figure out if the market could actually sustain something of this size. Economically, it has to be feasible for something like this to actually run at full capacity. Everything that you are proposing economics has to make sense. People will have to be able to afford it. Where I am trying to get at is has a market study been study for something like this.

**Mike Makio** no market study has been done.

**Chairman Arroyo** Mayors, do you have any questions, comments and/or concerns?

**Mayor V. Taitague (Talofofo)** it is a big development. A condition or provision to be added on would be the construction of school bus shelters.

**Mayor J. Blas (Yona)** in our meetings with the developers we have asked our questions, and I agree with the whole development/program and it seems to be in place and nice that they are using the concept of smart growth. Growing with the economy and not instantly building 700-

plus homes. It would probably disrupt the way of life with the village and nearby village; and it is nice that they are using that comment. Economic growth is always a good thing for the community.

**Chairman Arroyo** any questions or concerns about the infrastructure.

**Mayor Blas** water, sewage, power seems to be in place in terms of if there is going to be an impact or disrupt or a lot of usage to the neighbors for the Baza Gardens area and onto the Santa Rita and Talofoto area. The idea of the water tanks is a good idea to support the development and ensuring that the neighboring areas will have no impact on water.

**Chairman Arroyo** any other questions or comments. [None noted] This application is an approved PUD and not looking at anything else other than to accept or reject the master plan, which we could not seem to find, the original documentation. I like the fact that some of the existing elements, from what you were able to find are kind of included in what you are now proposing and there is that continuity there. The concerns now are whether or not you can hook up to the existing infrastructure for water and sewer; and if not, how much you will have to scale back the project and economically would that mean would it be profitable to move forward or not. And that would be a decision you would have to make on your own.

**Mike Makio** to add to that; and, one of the discussions we had with GPA was what happens if we tell you that in terms of capacity we cannot provide everything for Phase V and would need to break into two sub-phases. That was actually a great answer, so maybe there maybe six phases. Again, it aligns better with the availability of infrastructure. What I discussed with the Mayors, when infrastructure becomes available we do not want to take it all up.

**Chairman Arroyo** there are some of your neighbors in attendance here today, and I do applaud the effort that you made to do the door-to-door campaign and meet and greet. I would highly recommend that you conduct some kind of town hall with your neighbors because there is some concern about the infrastructure and how that will affect their enjoyment of the homes that they have there right now.

There being no further discussion, Chairman Arroyo stated that he was ready to entertain a motion to either accept or reject the master plan as submitted today.

**Commissioner Bathen** Mr. Chair, I would like to make a motion to accept the Master Plan that was submitted by Wonderful Resorts LLC (dba: Wonderful Windward Hills Resort) for the Planned Unit Development for the proposed construction of townhomes on Lot 154-2, -3, and -4, in the municipality of Yona.

**Chairman Arroyo** there is a motion to accept the master plan, do I have a second.

**Vice Chairman Cruz** I second.

**Chairman Arroyo** discussion ---

**Marvin Aguilar** Mr. Chairman, correction on the lot number. It now a consolidated lot and should be Lot 154-2-4-REM-NEW-2-REM, in the municipality of Yona.

**Chairman Arroyo** the motion has been amended to reflect the correct number. Any other discussion on the motion. [None noted]

All in favor of the motion please say "aye", all opposed say "nay." Motion is passed.

**[Recording Secretary's Note: Chairman Arroyo observation counted, by show of hands, 7 ayes, 0 nay.]**

**Chairman Arroyo** to the members of the hybrid commission, thank you for your participation today. I believe there is there a hybrid commission number for this application. Mike has that been assigned to this application.

**Michael Boria (Executive Secretary)** in the event that there is any other activity on this particular application then we will be calling this hybrid commission under this number:

**[Hybrid Commission Number – MCOG\_DLM2017-01; Wonderful Resorts, LLC]**

**[Commission recessed at 2:55 p.m. and reconvened at 3:05 p.m.]**

**Chairman Arroyo** called for order and reconvened the meeting of the GLUC. The next item on the agenda –

**Order to Show Cause**

- B. Guam Wanfang Construction Ltd.; Order to Show Cause on the conditions of approval for a previously approved Zone Variance for height for the proposed Pago Bay Marina Resort, in the Municipality of Yona, Application No. 2015-29B. [Continuation of GLUC hearing – January 12, 2017]

**Chairman Arroyo** this is a continuation of a hearing held on January 12, 2017.

**Marvin Aguilar** Mr. Chairman, we have nothing further to report other than what was submitted to the Commission on the last date; January 6, 2017 report.

**Chairman Arroyo** and I apologize; I was not able to attend that meeting. I did read through the Minutes. A revised response was submitted and I believe Vice Chair you were chairing that meeting. Would you like to make a comment on that and bring us up to speed.

**Vice Chairman Cruz** at the January 12<sup>th</sup> meeting there were two members that were not present (Chairman Arroyo and Commissioner Tan-Vy). Seeing that it was a very important

development, it was decided by the Commissioners present at that hearing to continue the review of the status report for today's meeting.

**Chairman Arroyo** we are here today to accept or reject a six-month status report on the project. There were some deficiencies the first time the Commission read it, and I believe those have been addressed in this response we have in front of us today.

**Marvin Aguilar** reads the memorandum. [For full content/context of this report, please see attachment.]

**[Attachment B – Memorandum to the Chairman of GLUC dated January 6, 2017]**

**Chairman Arroyo** any questions or comments before inviting the applicant up? [None noted] At this time, I would like to invite the applicant's representative to come forward. Please state your name for the record.

**Barbara Burkhardt** I am the Designer of Record for Guam Wanfang Construction. Ms. Burkhardt proceeds with addressing the points noted on Guam Chief Planner's memo to the Commission.

- On failure to meet the required six-month status report deadline – commented that the company was embarrassed and she was personally appalled that they had missed it by a couple days. Our Planner of Record at that time has resigned from the project, and I immediately began working with the Guam Chief Planner to provide the documentation required to get back up to speed.
- Financial status of the project – Ms. Burkhardt commented that they were prepared to offer to the Commission as requested by the NOA, a one hundred and ten percent (110%) demolition bond requirement. The company anticipates additional conversations with the Board, and this would be the first on record. An attorney has been engaged to work with the Commission, and that they see this as a landmark document that will be a guide for all future projects on Guam in regards to demolishing projects that stop construction and are an eye-sore as a result.

There has been discussion of a financial statement. The owner is making financial arrangements with the bank. However, it is my understanding of financial transaction especially with a development of this monetary value, that no bank will issue a financial letter of commitment without permits, final price and appraisal. We are about fifty-percent (50%) through that process with our documentation. We will initiate the requirements required by our bank when we submit for permit, submit for bids. At that point, our appraiser Cornerstone, determines we have enough documentation to do an appraisal. At that point, we will have a letter of commitment from our bank that indicates that our financing is in place. We have some vehicle where can state that we are dealing with banks and that the

bank is interested in the project; but, we are in limbo right now and we are about fifty-percent through that process to secure a letter of commitment from a financial institution.

**Chairman Arroyo** Barbara, what happens if the financing falls through.

**Barbara Burkhardt** the project will not go forward. This is a large project. They have paid our draws on all design; they have paid our draws for the GLUC process. So, they are funding the project. A grading permit will be coming out shortly and minor site work, very minor, and all of that is funded as we go.

**Chairman Arroyo** the reason why the Commission wanted some kind of commitment; and for me personally, I am not looking for a commitment letter. Although, I am looking for some kind of commitment that the funding is in place. The reason why we are asking for this is because when the Commission started discussing this application it was presented to us that there was a sense of urgency to get through this process because the developer was working with a financier, and they were up against a deadline that they needed to meet otherwise they would lose out on the funding. And so, we tried to assist them as much as we could to meet that deadline. I do not know if the deadline was missed and now back to the table to table discussing with the lender to get the committed funds. If you want to present us with a commitment letter that is fine. I think what we are looking for is some kind of solid commitment from the owner that the funding is in place, and you have that secured and well on your way to finish it.

**Barbara Burkhardt** now that we understand that you are not asking for that and it is premature to get that we can provide you a document less than that that I believe will meet your requirements.

**Chairman Arroyo** that was to address the initial sense of hesitancy in the very beginning that the Commission needed to move forward on this application to assist the developer in getting the finances. Not that we cut corners or we took shortcuts just to get to the point where they would get back to their lender and say, yes we got the approval. But, we did try to accommodate them as much as we could. Hopefully, they were able to meet that deadline.

**Barbara Burkhardt** we feel, from our point of view, equal weight on the demolition bond that that is a very substantial cost.

**Chairman Arroyo** apologizes for interrupting and asks Ms. Burkhardt to continue with her presentation.

**Barbara Burkhardt** the third item is in regards to the density. What was submitted was 232 units. There was a comment that 235 were counted, and our Notice to Show Cause reaffirmed that we have 232 units. This is a residential condominium; the project that I started on had a double door. I have no history on how that second door got into the project,



but we are a residential condominium, single door, basically two-bedroom apartments and we are at 232 units.

**Commissioner Bathan** please clarify that statement because when the application as first entertained, the intent of the owner was to make the project as a mid-rise development that would be catered to foreign investors, specifically Chinese. When an update was received the last time it seemed that it had been converted into a hotel, and now you are stating something else. Could you please clarify for the record what this project is really about? Is it a condominium catered for foreign investors, a hotel, or a multi-family development that is catered for local residents?

**Barbara Burkhardt** it is a multi-family residential condominium, and apologized to the Commission. She further explained that she was not at the GLUC hearings; and she had read the first documentation in June, and was brought on board in September. The documentation that was seen (by Ms. Burkhardt) was the approved floor plans that had the double door. She further commented that she was the Design Manager, and upon receiving the documents that "she had some questions in her mind", and proceeded with schematic drawings based on the double door. She was really not privy to the previous hearings. She further added that she could not find any reference to a hotel in the previous written documentation. Richard Sablan (sic) made oral comments about a hotel and could not address that because it is not in a written documentation. In the design process time is money. The development process can take eighteen months, it can take two years it can take five years, and it is much lighter documentation. Her conversations with the owner was that in order to adhere to the schedule, "we have to have very clear definition of density, parking, height, landscape; we have no more vague, gray areas. The owner has committed to a condominium."

**Commissioner Bathan** is it catered to foreign investors or local residents.

**Barbara Burkhardt** this is a residential condominium project. Condominiums are sold. Are the condominiums being offered to foreign investors; someone could buy thirty, someone could buy two, someone could buy one. When the HPR is filed, the success of the project will be when the investors are able to sell those condominiums. A local investor or local people who want to live in the development are not precluded. As per Guam law, we cannot take offers of condominiums prior to them finishing. It is the risk of the developer to even fund this project.

**Commissioner Oh** you mentioned about the floor plan having a double door. Is that the original plan that was submitted to us?

**Barbara Burkhardt** those were the original plans. When I opened that binder in September there were plans with double doors.

**Commissioner Oh** my recollection that that was the revised plan. Am I correct?

**Barbara Burkhardt** I am being very open with you. I received those plans and the digital file of those plans in September. I looked at it and my job was to begin documentation; I drew those up, submitted them to Richard Sablan (sic) October 22<sup>nd</sup>, he submitted them to you, and Department of Land Management astutely flagged the density problem. We were made aware of that. I looked at it and thought the owner needs to make the call, delay the project or proceed with condominium. And I think that within three or four days we had the plans revised and submitted it to DLM and we submitted them to you, and that's what happened.

**Commissioner Oh** I am little concerned about the discrepancies that are evident. You were mentioning that the original plan had a double door design. I have the plan in front of me and I don't see a double door design. The double door design was a revised floor plan that was submitted to the Commission that we did not approve.

**Barbara Burkhardt** I am just being honest with you. I did not see anything in the documentation that said take out the double door. I am being very simple in this presentation.

**Commissioner Oh** understood the simplicity; but what I am getting at is, that was not the original floor plan that was submitted to us.

**Barbara Burkhardt** the booklet I have in hand that has the Notice of Action dated May 3<sup>rd</sup>, has the double door, and perhaps I have the wrong binder. I would just ask that DLM help me out with getting that.

[**Commissioner Oh** shows Ms. Burkhardt the original document (floor plan) that was submitted to the Commission which shows no double-doors. He further added that the double-door concept was presented to the Commission on the updated document to which Ms. Burkhardt responds that the plans shown to her had double doors and commented (looking at the plans) that this plan was not corrected. She adds that she had documentation that was submitted to the GLUC that has a little bit of a different floor plan, and goes on to say that the unit labeled "EA" was a two bedroom apartment and pointed out that in this submission it has two doors. **Discussion ensues**]

**Chairman Arroyo** I really do not want to get too hung up on double doors, single doors. I think really what we wanted to clarify, and I think you have done that today unequivocally, is that you are not talking about a hotel. [**Ms. Burkhardt responds "no."**] We are talking about multi-family.

**Barbara Burkhardt** multi-family quite like a mix of owner occupied rental.

**Commissioner Oh** I just wanted to bring that up concerning the double door. The reason why it is a concern to me is because based on the original submittal the way it was submitted was that there were two entries to the same unit and a door in between; there is a

door from this unit to this unit and there is basically a side door where one unit can access the other unit. The way you considered that that it was one dwelling unit.

**Barbara Burkhardt** correct, that is a hotel interpretation. When I started in September and first looked at it, I thought they are doing a hotel design and all hotels on Guam have that. It was a conversation with the owner that had to happen very quickly. What are you going to do? Because I cannot go forward as Architect and designer of record if we are going to go the hotel route. They made a commitment to me and to my team to go forward as condominiums.

**Commissioner Oh** the point I am trying to get across is are you considering this as one unit or as two dwelling units.

**Barbara Burkhardt** no, it was one unit. It is a two bedroom apartment; we have some that are three and some that are one bedroom. There is one door serving one bedroom, some have of two bedrooms, some have three bedrooms.

**Commissioner Oh** so you are saying that this submittal that was submitted to us (this one); obviously there is a difference in floor plan from what was originally submitted and what was revised. Based on this floor plan, has this been revised? This is final.

**Barbara Burkhardt** responds that the current floor plan before the Commission has not been revised and that it was the final floor plan.

**Commissioner Oh** so there is one door per entry for each unit, one entry door for each unit.

**Barbara Burkhardt** one entry door to each unit for a total of 232. Ms. Burkhardt added that if you look at Tab 2 which is a square footage summary and it very specifically shows the count and square footage of each floor and how many units are on per floor.

**Chairman Arroyo** since we are saying that it is a condominium, multi-family; on Tab 3, drawing A-101 the floor plan for the lobby and floor level. There is a description of some of the areas like a tour desk, restaurant, and coffee shop, and I don't know if you will go forward with that. But, will there be any changes to this because a tour desk is not typical in a condominium.

**Barbara Burkhardt** I made a note in the parking count that if the restaurant and the function room and the gym are open to the public we will not have enough parking. So, to answer your question there is a change that needs to be made or all of these areas are going to be dedicated to residential use. I do have a plan to change to decrease the amount of space in tower A and put some parking over there and so that the restaurant and function room could be open to the public; we have not made a final decision on that. It is tentative planning trying to move around the use.

**Chairman Arroyo** right now the amount of space you that you have for allowable parking has been used completely. You have one space per unit.

**Barbara Burkhardt** and another forty or so, but it is not enough for a restaurant and not enough for a function room. The owner is considering a couple of options. It is either to increase the parking or the third option is to actually lower Tower A another floor. These are options and no final decision has been made.

- Parking – DLM pointed out that our stall size looked a little small and it is all very clearly marked. We counted numerous times; on the one floor and 232 and additional parking and it could even just be assigned to the residents. We have had a lot of public support and looking forward to something there that they can enjoy a meal or go to the gym. So, we have support. DPW will not issue a permit if parking is not match up parking to use.
- Burial of Ancient Remains – for use of future generations. We have a cultural coordinator, Ann Marie Arceo and Hurao Academy ---

**[Due to interference/excess noise from the audience, Chairman Arroyo calls for a five minute recess. Commission recesses 3:35 p.m. and reconvenes at 3:40 p.m.]**

**Chairman Arroyo** let's go ahead and continue. I am so sorry to keep interrupting you Barbara.

**Barbara Burkhardt** I was moving on pass parking and onto the burial of ancient remains. Do you have another question? It sounds like you have another question on the density.

**Commissioner Oh** it is not a question, but I just want to confirm for the record that there are units because your plans are pretty extensive. We probably need to review everything. I just want to confirm that in the final design, there are no double door units.

**Barbara Burkhardt** correct.

**Commissioner Oh** okay that is fine.

- Burial of ancient remains - Ms. Burkhardt explains that they are doing this under contract with a separate property owner which is the Laguna Pago Bay Resorts. The ancient remains is an open issue which was found on this property, and AES is happy to close this issue. The location site is an area that is currently a part of an undeveloped area to the left of the gate of the subdivision. The gate will be opened up so that the public can come in and out of the area. She further adds that this is a good location since it is by the 24/7 security guard house, and that there will be some sort of security to watch the site to avoid the site becoming a "party spot" and that the space remains sacred. There is a design for the burial area that they worked on with Ann Marie Arceo and Hurao, and negotiating to commission to two artists to create two pieces for the site one of which is a ceramic mural. A grading



plan will be submitted to DPW, and the hope to begin work in a couple of weeks to develop the site, and hope to hold the burial ceremony sometime within the next sixty to ninety days.

Any questions?

**Michael Borja** the report says that the completion for this project was the end of March.

**Barbara Burkhardt** we were looking at Chamorro month towards the end of March, early April.

**Michael Borja** can you put that in writing to update this.

**Barbara Burkhardt** yes.

**Chairman Arroyo** anything further?

**Barbara Burkhardt** the last item is the wetlands preservation. I have a letter and documentation from the Army Corps that they have reviewed the plans. We have had meetings with Ana Simeon (BSP). They really do not have anything that they have to sign off on; however, Ana has really been great about our clean-up activities. A lot of this is ongoing after we finish construction and occupy the site, and keep it nice for what it is. We are just coordinating with her, and she is also assisting us with UOG and Sea Grant and various activities. It is to the benefit of our owners to maintain this in a natural, vibrant, live condition. We are going to leave the wetlands alone; we are going to have vegetative barriers. For this to be a great place to live, it needs to be maintained, it needs to be healthy.

The Army Corps is not part of the permit process, but they cannot submit a final report until we submit our permit documentation. The letter from Army Corps does not say that there are any conflicts. They look for structures in the beach and ocean; we have no structures in the beach and ocean. The boardwalk construction does not go into the area of concern for them. Although she has not signed off on it, there is nothing in our plans to indicate that we will violate or require any Army Corps sign offs at this time.

That completes our report.

**Chairman Arroyo** I wanted to refer to deadline timelines and believe it was created in January.

**Barbara Burkhardt** created in late November early December.

**Chairman Arroyo** a lot of the items had deadlines for next month. Are you still on target?

**Barbara Burkhardt** yes we are; we are slightly bit delayed, but I would say we are within two or three weeks of that schedule. We are planning on submitting our first grading permit coming in March. We have met with DPW and have gone through all of our permits required. The storm water permit is not listed which will be a separate permit.



**Chairman Arroyo** there was also some comments on calculations on water capacity needs, power needs. Where are you with respect to that?

**Barbara Burkhardt** in listening to Mike Makio, I am going to say the exact something that I am going to tell you, and I apologize for this. We made our initial calculations; the calculations were based on 307 units and density approved on 232. Same as Mike stated, there is capacity for us and for this project at 307, so there will be capacity at 232. We do not get their final approval and sign off until we submit for permit, and that is when our complete calculations go into them. We do not anticipate any difficulties. If we do not get the permit, we will not start construction. In addition to our deposit and the connection fee, there is a system improvement fee which we are estimating to be around one-million dollars which hopefully will go towards maintenance of the system.

**Chairman Arroyo** any other questions or comments.

**Commissioner Oh** since the inception of the project and since it was discussed during the approval process, as we move forward I am a little bit uncomfortable with certain changes and discrepancies that we are discovering as we move forward. I know that during the last update hearing there were some discussions that the owner had plans to make this into a hotel, from the beginning and I believe that is probably in the minutes. And now you are coming back and saying, no, it is not going to be a hotel it will just be a condo project. Discrepancies such as that, the double door issue; I am happy that this was clarified today, and you did mention that this is not going to be a hotel and that it will be condos. Although, I am still very uncomfortable with any documentation when it comes to the financial status of the project, I believe that this was something this Commission discussed several times from the beginning. I understand what you are saying that a letter of commitment from a bank is not going to happen until certain items are completed such as designs, appraisals, and final price. But, I do not think as Commissioners, that we were expecting a commitment letter at this point. As Chairman Arroyo did mention, we were under the impression at the beginning of the project that there were some financial constraints and restrictions and this is the major reason why there was a rush to get this project approved. At this point, we are asking for some type of documentation, any. You did mention earlier that the bank did finance the actual design. Did you mention?

**Barbara Burkhardt** yeah, and they financed the GLUC approval, they financed the design, the engineering ---

**Commissioner Oh** those are the documents we are looking for. We have nothing in writing up to now. That is what I am uncomfortable with at this point. I think we have emphasized from the beginning the financial status of the project, we have inquired about it, there is no supporting documents on financial status other than a verbal statement saying, the owners are moving forward with the project, the owners have the financial capacity to do this project. This is just my own feel on it, and I feel very uncomfortable without any type of financial status on the project; especially in black and white.

**Barbara Burkhardt** can I have a moment.

**[Chairman Arroyo calls for a five-minute recess. Commission recessed at 3:52 p.m. and reconvenes at 3:57 p.m.]**

**Chairman Arroyo** we are back in session. Go ahead Barbara ---

**Barbara Burkhardt** thank you for the recess. I am a very straight forward person. We are under pressure to deliver a project, and I was given a nine month production period and I would say that is tight for a 90-million dollar project. Looking at what has been submitted, this is a quickly moving project and so I just want to clarify from my point of view how I see this.

Secondly, I have been through quite a few of these hearings and quite ancient at this point; and your request is novel to me and that is why I needed a recess because I have never dealt with this questions. I am very clear of letters of commitment to secure leases, very clear about bank funding, clear about applications for payment, occupancy; I am very clear about financial requirements for constructing a project. I am also very clear that we have been paid consistently throughout this period; we have even paid for geo-tech testing and we are ramping up for the grading permit. I am very clear that this has been funded. Our owners are happy to document that they have funded us up to this point and continue to fund us through construction document, permit, bids and appraisal. We have our appraiser in place, Cisca with Cornerstone. I hope that that would meet your requirement. Again, this novel to me. I have never experienced this request at this hearing, and that is what I can provide you. We are receiving funds, so we are financed. And from my point of view, it is financed and we will be happy to give you a letter from the owner indicating how they have been financing the project to date, that they are going to complete construction documents.

**Commissioner Oh** from my perspective, this is just my opinion. A document from the bank saying that yes we have received financing documents from Wanfang Corporation to that degree. I think that is what we are looking at. The Commission is not asking for a commitment letter and the Commission understands that it will take time to obtain this document. In terms of financial documents, perhaps an estimated cost of the project, maybe an application to some sort of financial institution for a mortgage, loan or construction loan, etc.

**Commissioner Bathan** let me add to that ---

**Barbara Burkhardt** can I be honest about what you are requiring before you add. I am very familiar with public projects; I am very familiar with DOD projects and private projects. I would like some clarification. Once we submit something to you it is a public document. So, there is some privacy issue between financial statements on a private project versus public financing. There are just somethings that we want to respect that this is a private development. We want to provide what you need, we want to satisfy you, but we would like some respect that this is a private company, private development. It has certain financial structures which I don't think

should be public knowledge. You don't open the books of every company that comes before the GLUC.

**Commissioner Oh** I don't think that is what we are asking for.

**Barbara Burkhardt** I am being too analytical. We want to make sure we provide what you need, but also respect the privacy of our investor.

**Commissioner Bathan** you mentioned earlier that Cisca (Cornerstone) is working on the appraisal because that would mean you have a bank that is already in place. Because you cannot get an appraisal by yourself it has to be a bank that they are working with to get the loan.

**Barbara Burkhardt** Guam Wanfang Construction has hired Cisca. She has told them that she cannot finish her appraisal until we finish our documents and get our final price. But, she has done an initial analysis on the packet that you have on hand today.

**Vice Chairman Cruz** just hearing the discussion going on, my question to you will basically answer almost the issue on financing. Do you have a final plan that you can submit for permitting. Do you have that? The reason why I am saying that is that it is the something as trying to get you to bring up the financial part of it. You mentioned earlier that when the plans are approved and ready for permit that is basically when you go to the bank, this is the project and this is what we want borrow. I am happy that the project is moving forward to the point that you about ready to ....

**Barbara Burkhardt** we are at fifty percent with the architecture and engineering process.

**Vice Chairman Cruz** what the members of the Commission are saying is, tell us that in writing; we are fifty percent done, and as soon as we have this done, financing will come at that time.

[Discussion ensues on final architectural and engineering designs. Ms. Burkhardt commented that at this time they are at about fifty percent complete with design and completion of remaining documentation. Vice Chairman Cruz inquired when they anticipate that happening to which Ms. Burkhardt responds that they do not anticipate further changes to the plan and they are about to issue the plans to the engineers to begin the engineering work.]

**Commissioner Bathan** when do you estimate that to happen?

**Barbara Burkhardt** estimated is May and it is per the published calendar. And I am going to be honest with you again, these meetings kind of slow us down a little. I apologize for the tone of that comment.

**Commissioner Bathan** we are not the cause of this meeting.

**Barbara Burkhardt** I know and apologize for that. Our permit process takes 8 to 12 weeks, so we are looking July/August to break ground.

**Vice Chairman Cruz** what I am trying to say is that when that time comes and you give us a plan, this is the plan that is going forward for approval, for building permit. And at the same time, that is when you will give us your financial plan. [Ms. Burkhardt responds, "yes, sir."]

**Commissioner Bathan** June will be the next six month status report.

**Chairman Arroyo** Barbara again, we are not looking for a commitment letter. We are just looking for something we can document showing that the funding is place or will be in place. If you want to submit something to Marvin for his review to get his eyes on it to see if it will pass with us that is absolutely fine. Do not bend over backwards too much for that, pretty much take your word for it.

**Barbara Burkhardt** many of your questions, we will have our final engineering plans, water, power, highways; everything will be in place at our next six-month review.

**Commissioner Bathan** let me correct that. The next six month status report is due in May.

**Michael Borja** I think the insistence we have on the financial information is because in the buildup to this approval of this project for this application, the point your company made was that they needed the Commission to act on this as quickly as possible because the investment was at risk, and so we moved on it. And now we are asking, show us that the investor is committed. That is all we have been asking, and that is what we have been wanting. Not just a one-liner that says he's paid for the job that has been done. The investor was the reason why it was important enough for your company to tell us we need to move on this with speed, in getting a response by a certain period because of the requirement for the investor to react. It has been several months and we still have not received anything.

**Barbara Burkhardt** I took over in September and in talking with the owner, and I was in two meetings prior to coming to the table. I did not understand what was required, and it was very light, and we made promises. What I heard it was very light, what are we going to write, what is it. I appreciate your patience today going through what exactly it is, and I am very clear at this point what we can obtain at this point. I thank you for your patience today.

**Commissioner Oh** just a few more questions. Have you engaged in a lender?

**Barbara Burkhardt** I can't answer that, I don't know what the name is. The answer is yes. I am not in that discussion. I don't talk to them about financing.

**Commissioner Oh** do you know if the owner has submitted any documents to the lender.

**Barbara Burkhardt** this is what I know. My paychecks don't bounce, I can pay my consultants, I paid by geo-techs. Those payments were made immediately, that is what I can tell you and that

is my role in this project. What you are talking about, how the money comes into our bank; all I know is that it is there prior to when I need it. I am not the right person to ask those details.

**Commissioner Oh** I think that is the point we are trying to get across. There has to be a person that could answer this type of question. Honestly, someone has to answer that question other than yes, there are funds available.

**Barbara Burkhardt** and I have made a commitment to you, to get in writing, what you have requested in this meeting to that detail.

**Commissioner Oh** going back to the privacy; I do not think that we are looking at numbers per say. Yes, there are private information that needs to be kept private. What we are looking at, as Mike mentioned, commitment from the owners and on the lender's part. Anything that can provide some type of status on the financial aspect of this project is sufficient.

**Barbara Burkhardt** I think we have a very clear understanding of that now. Thank you.

**Chairman Arroyo** I just want to make something absolutely clear. Sometimes things get recorded that are not necessarily complete with what is being discussed here. There have been a lot comments made that we ... there was a sense of urgency to move forward on this project because of the financing issue. And we tried as much as possible to accommodate the developer. Again, I want to stress that we did not take any shortcuts; we did not do anything unusual with respect to this application. We just tried as much as possible to accommodate their deadline for their financing. And pretty much as it turned out, I don't know if we really did help them. It turned out that they were not ready and a lot more questions that came up, a lot more discussions that needed to happen. We have probably had more meetings on this particular application that I have ever sat on in any one application. I want to make absolutely sure that we did not do anything to circumvent our normal process and procedures to help them meet their financing deadline. I just wanted to make that clear.

Anything further? [None noted] What is the pleasure of the Commission? Do we want to make a decision to accept this six month report?

[Discussion amongst the Commissioners on the acceptance of the report.]

**Chairman Arroyo** I think what we will do is that we accept this report subject to the confirmation on the financing, to be reviewed in May. [No objections noted from the Commissioners]

**Commissioner Bathan** Mr. Chair, I would like to make a motion to **accept** the status report that is submitted by Guam Wanfang Construction Ltd., for their project at Pago Bay Marina Resort in the municipality of Yona, Application No. 2015-29B; subject to submission of pending document (financing documents acceptable by the Commission) that has been requested by the Commission, to be submitted with the next status report that is due on **May 2, 2017**.



**Chairman Arroyo** there is a motion on the floor. Do I have a second?

**Vice Chairman Cruz** I will second.

**Chairman Arroyo** any discussion on the motion?

**Marvin Aguilar** for the benefit of the Commission, the big round-about issue of getting to this point is mis-communication. Not understanding the requirements of what is expected from AES or Wanfang. If we could continue to be the conduit for AES and the Commission, to provide those clarifications and perhaps provide some mid-point reports through the Executive Secretary to ensure that it remains on track.

**Chairman Arroyo** you have an excellent resource to rely on with Marvin and Celine and they are great at what they do. So, if you have any questions, please run it by them. If there is something unsure, they always get in touch with myself or Mike Borja; this will help ease some of the confusion when we get to this meeting.

Any other discussion on the motion? [None noted] On the motion, all in favor say "aye"  
[Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Bathan, and Vy.]

**Chairman Arroyo** we have accepted the first submission, and we will see you back in May. Are there any other items that we need to discuss for the Land Use Commission meeting today? If not, I will entertain a motion to adjourn.

IV. **New Business** [None]

V. **Administrative & Miscellaneous Matters** [None]

VI. **Adjournment**

**Commissioner Bathan makes a motion to adjourn, seconded by Vice Chairman Cruz; with all in favor.**

There being no further business for discussion the regular meeting of the Guam Land Use Commission for Thursday, February 23, 2017 was adjourned at 4:17 pm.

Approved by:



John Z. Arroyo, Chairman  
Guam Land Use Commission

Transcribed by:



M. Cristina Gutierrez  
Recording Secretary

Date Approved: March 9, 2017



# GUAM LAND USE COMMISSION

Chairman John Z. Arroyo  
Vice Chairman Victor F. Cruz  
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh  
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary  
Kristan Finney, Assistant Attorney General

## AGENDA

### Regular Meeting

**Thursday, February 23, 2017 at 1:30 p.m.**

Department of Land Management Conference Room  
590 S. Marine Corps Drive, 3<sup>rd</sup> Floor, ITC Building, Tamuning  
[As advertised in the Guam Daily Post on February 16, 2017 and February 21<sup>st</sup>, 2017]

I. Notation of Attendance                      ☐ Quorum                      ☐ No Quorum

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, February 9, 2017

III. Old or Unfinished Business

- A. Wonderful Resorts LLC (dba: Wonderful Windward Hills Resort); request for clarification and approval on multi-family use within a previously approved Planned Unit Development (PUD) for the proposed construction of townhomes, Lot 154-2, -3, and -4, in the Municipality of Yona. [Continued from GLUC Hearing of 2/9/2017] [HYBRID COMMISSION]  
Case Planner: Marvin Aguilar
- B. Guam Wangfang Construction Ltd; Order to Show Cause on the conditions of approval for a previously approved Height Variance for the proposed Pago Bay Marine Resort, in the Municipality of Yona, Application No. 2015-29B. [Continuation-GLUC hearing of 1/12/2017]  
Case Planner: Celine Cruz

IV. New Business [None]

V. Administrative & Miscellaneous Matters

VI. Adjournment

ATTACHMENT "A"



**DIPATTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
(Government of Guam)



DEPARTMENT OF  
LAND MANAGEMENT

**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

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671-649-LAND (5263)

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671-649-5383

February 6, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

RE: **Update-** Assessment of Proposed Multi-Family Development in a  
Previously-Approved Planned District Development (PUD)  
(154-2-4-REM-NEW-2-REM in the municipality of Yona)

On September 8, 2016 representatives of Mr. Kevin Chien, dba Wonderful Resorts, LLC requested clarification from the Guam Land Use Commission as to whether or not the intent to construct six (6) townhomes for a total of twelve (12) multi-family residential units on the subject lot was consistent with the established "PUD" designation. Clarification was needed in response to the fact that although existing uses within the entire PUD reflects uses suggested in a schematic plan that appeared be part of a master plan, no information was available to indicate such a plan was the adopted by the Commission. Thus, the need to re-affirm the original intent of providing multi-family housing on that area currently known as 154-2-4-REM-NEW-2-REM or Takayama Golf Course and its surrounding bounded lands.

The PUD was acted upon and approved by then-Territorial Planning Commission action on June 22, 1972 and the Commission appeared to accept that consistency does exist in what may have been the original intent and that which is being presented at this time by Wonderful Resorts, LLC.

The Commission did however express its concern that a re-assessment of the intended plan be required, given the time that has lapsed since the 1972 approval. The Commission requested the applicant to provide information on both a schematic overlay of land use and calculations of infrastructure use or for that matter the potential impact of the project with existing infrastructure conditions in and to the surrounding community.

The applicant provides a response b Commission directive and addressing earlier concerns on density and infrastructure. Discussion also presents a multi-phase and "smart/multi-use neighborhood development approach with a variety of neighborhood amenities that would be distributed throughout the property".



**Marvin Q. Aguilar**  
Guam Chief Planner

Attachments



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(Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
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**September 8, 2016**

**MEMORANDUM**

**TO:** Chairman, Guam Land Use Commission

**FROM:** Guam Chief Planner

**RE:** **Staff Report**  
Assessment of Proposed Multi-Family Development in a  
Previously-Approved Planned District Development (PUD)  
(154-2-4-REM-NEW-2-REM in the municipality of Yona)

**1. PURPOSE:**

- A. APPLICATION SUMMARY.** The Applicant, Kevin Chien, dba Wonderful Resorts, LLC request
- B. LEGAL AUTHORITY.** Title 21 Guam Code Annotated, Chapter 61, Zoning Law, §§61103 and 61635.

**2. FACTS:**

- A. Location.** Subject lot is located in the municipality of Yona in an area better known as the Windward Hills Country Club.
- B. Present Zoning.** Subject property is currently zoned "PUD" or "PDD", a Planned District Development per Territorial Planning Commission action on June 22, 1972.

**3. APPLICATION CHRONOLOGICAL FACTS:**

- A. Previous Commission Actions.** See 2A.
- B. Date Heard by ARC.** N/A.
- C. Public Hearing and Results.** N/A.



- b. With respect to roles and responsibilities of existing uses, the applicant insists that all uses have been separated in interest to certain groups of ownership, with the golf course and property it is contained within belonging to one entity separated from existing housing subdivisions. Association of each use would most likely be associated or linked through interdependency of infrastructure (i.e. easements, water, power, etc.). Property ownership of the entire PDD program has since evolved to indicate separate ownership between the golf course proper and individual residential lots located adjacent to or within the golf course, and thus is essentially a separate entity having no obligatory relationship to any current any homeowner's association other than within a particular existing home subdivision cluster.
- c. With respect to how the new development scheme would affect current uses, the applicant insist that although a grand scheme reflects 200 townhomes, the main focus of development would be restricted to the initial first phase of a single cluster of six townhomes or 12 individual residential units, hence, the initial intent to secure a building permit.

On August 11, 2016 the Commission engaged in general discussion regarding the former Takayama Golf Resort, now Wonderful Resorts, LLC and the company's intent to construct a first phase 12-unit townhome development within its property as described above. The request for discussion was brought forth to the GLUC by the Planning Division for the purpose of providing a summation of matters at hand and to request further guidance.

All pertinent information regarding the rezoning of Lots 154-2-, 154-3 and 154-4 in the municipality of Yona from "A" (Rural-Agricultural) to "PUD" or a Planned Unit Development is critically limited to an amended zoning map (Exhibit A) and summarized minutes of the 1972 meeting (Exhibit B). The Commission's directive, without formal action, insisted the developer provide a broader explanation of project *scope of intent and work* with discussion on caveats, as noted thus far.

### GLUC's ROLE

As provided earlier, multi-family development is one of the various uses permitted within the approve PUD thus, the proposed twelve or even ultimate 200 townhomes as proposed is consistent with the Territorial Planning Commission's 1972 intent.

However, if such approved uses are permitted, then one may inquire as to the role the Commission plays in assessing the request to precede with the proposed "R-2" development. In our opinion, the answer lies in the fact that it is not a matter of whether or not an opportunity exists for the Guam Land Use Commission to administratively assess the use, but rather to ensure that regardless of any prior approval, such use will not have an impact on the surrounding community. This is more so relevant with respect to the Commission's mandate to insure that "minimum regulations for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam, which regulations are deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population<sup>2</sup>".

January 30, 2017

Michael Borja, Director

Department of Land Management  
590 South Marine Corps Drive  
ITC Building, Suite 733  
Tamuning Guam 96913



**Subject: Request for Concurrence for Windward Hills Country Club (LOT NUMBER 154-2-4 REM-NEW-2-REM) PUD development**

Hafa Adai Mr Borja,

Thank you to you and your planning team, for taking the time to provide feedback and guidance related to the Request for concurrence for Wonderful Resorts LLC, the owner/operator of the Windward Hills Country Club, a PUD.

The owners had planned for the design and construction of phases 1 and 2 for the property, consisting of R-1 and R-2 residences for the PUD when a clarification was requested to confirm that the program was in compliance with the approved PUD uses.

Additionally there was a request to provide a corresponding density calculation for the approved PUD program

In October the GLUC reviewed the request for concurrence that the proposed project complied with the PUD's approved uses. GLUC asked that additional information be provided, to help the Commission visualize the character of the proposed project and all the other allowed uses in the PUD. We are pleased to submit this illustration to GLUC for their consideration along with corresponding the density calculation, to assist GLUC in determining that the direction for design and construction are consistent with the approved PUD.

#### **Background**

The property was approved as a PUD zone in 1972 as part of a larger property development. Single family detached homes were subsequently built and sold per the original PUD. Recreational uses allowed by the PUD such as the golf course and related club activities are also built and are in operation.

Per DLM Chief Planner, there was an administrative matter of providing a density calculation for the PUD. As neither the current owners nor DLM team have been able to locate a density calculation we have provided it herewith corresponding to the concept illustration

Additionally a representative of neighbors submitted clarification of how the proposed neighborhood might affect infrastructure in the surrounding homes during the October GLUC meeting.

A presentation is attached that calculates the density of the Golf Course Residences planned for the neighborhood.

### **Conceptual Masterplan Overview : Smart Growth and Multi-Use neighborhoods**

The plan for the property reflects all the allowed uses for the PUD in low impact configurations following smart growth principles that provide amenities and services for the residents and visitors within a walkable and pedestrian friendly development. Other priorities for the owners are to provide robust uses a variety for a high quality PUD. Allowable Uses for the PUD included:

- Single family detached residences (R-1)
- Multifamily residences (ie, duplexes, quads, townhomes, apartments and condominiums (R-2)
- Hotel use,
- Recreational uses
- Commercial uses
- Condominium uses
- Discover America Pavilion
- The Discover America Pavilion was intended for a series of pavilions and structures for Arts, Crafts, Displays and exhibits related to 1976 bicentennial celebration and may have been geared toward tourists.

The design team has proposed a smart growth /multi-use neighborhood development approach with a variety of neighborhood amenities that would be distributed throughout the property. The PUD zoning map allowed for condos and shops. Amenities might include playgrounds, health club (indoor and outdoor), daycare, walking paths, sport courts, convenience market, BBQ pavilions, wetland farming for medicinal plants (amot), pharmacy, pet care, barber/salon, coffee/cha shop etc. These amenities are intended to allow pedestrian friendly access and reduce reliance on vehicles, not to compete with the existing village center.

Additionally opportunities for such as onsite pharmacy, convenience market and provisions for utilizing wetland farming support active and independent lifestyles for aging residents.

Landscaping will be a major design element (along with nets) defining roads, and shielding pedestrian and vehicle access from errant golf balls. Walking and jogging paths skirt streets

A low impact, moderate height All-Suites hotel is programmed for TLA/TDY Service apartment (sometimes referred to as a Temporary Lodging Allowance) is programmed not to exceed 6 stories or 87' in height.

SFD, duplexes and/or townhomes are programmed for phases 3 and 4. The homes will be "benched" into the valley edges which descend/slope down as much as 50 feet to more than 100 feet below the plateau of existing homes.

### **Character of the development**

The owners have focused on the rental housing market.

The lot sizes and setbacks will follow the guidelines from the Guam zoning code in the event that homes are ever partitioned and sold pursuant to an HPR establishment.



The final mix of the housing types will depend on the housing/rental market desires. The PUD map allows for shops and condominiums. These have been dispersed through the property that support the neighborhood and reduce the reliance on autos for basic necessities.

The construction of the project and supporting uses is planned in approximately 5 phases which are aligned to the availability of Government infrastructure capital improvements slated for the village and surrounding areas.

Key among the infrastructure improvements are the ongoing Agat Wastewater Treatment Plant and the nearby Baza Wastewater Treatment Plant Improvements.

**Project Phases:**

Phase 1	16 Dwelling Units
Phase 2	68 Dwelling Units
Phase 3	105 Dwelling units
Phase 4	224 Dwelling Units
Phase 5	75 Units (all-suites transient accommodations)

**Calculation of density:**

Overview, the property is approximately 168 acres gross (680,000 sm).

The applicable method of calculating the density of the proposed residential neighborhood project is the Gross Site Density calculation method. The mix of densities help to create character and variety – moving away from monotonous neighborhoods and supports the Guam Zoning Code requirements for protecting open space.

**Gross Density Calculation:**

Total Number of residential Units	488 units	488 units =	2.90 Dwelling units
Total Area of the Property	680,000 sm	168 Acres =	acre

**APPLICABLE SECTIONS OF THE GUAM CODE ANNOTATED, GUAM ZONING CODE:**

- "To encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements".
- Cluster Development-
  - (h) Cluster Development. Placement of residential units in close association to each other in order to consolidate required lot area into usable open space for the benefit of those living in such residential units.

- **Section 61635**

- (d) All structures, including accessory structures, shall not cover more than thirty percent (30%) of the area;
- (h) All impermeable surfaces considered as a structure constituting gardens, sidewalks, fences, barrier walls, retaining walls, open air recreational facilities exposed to sunlight, swimming pools, and all subterranean structures located beneath grade and covered by earth shall be considered as an open area.

The PUD law requires requires a ratio of 70:30 – 70% open space to 30%. In order to achieve the open space requirement a variety of housing types will be necessary. Also per the PUD law- golf courses can be included in the open space calculation.

Number of dwelling units	488
Approximate area of residences	40.00 acres
Approximate area of support spaces	10 acres
Required open space	168 acres x .7 = 117 acres
Allowable enclosed space	168 acres x .3= 50.4 acres
<b>Summary</b>	<b>50 acres &lt; 50.4 acres</b>

Therefore the project is within the allowable open space threshold.

The design team has coordinated with government agencies including GWA, GPA and DPW highways. The concurrence of the GLUC is a priority in order to align with the CIP projects coming online.

**Floor Area Ratios Notes:**

The floor area ratios for the single family detached, zero lot line semi-attached , row 4 to 8 Townhomes and Multi Family follow the Floor Area Ratio standards from the zoning code. The property owners plan is to engage the rental market on Guam executive and higher quality homes.

Enclosed ground floor areas is 888,516 sf or approx. 21 acres

If the program changes in the future- each of the R-1 and R-2 residence types have been allocated yard areas and setbacks that match or exceed areas per the zoning regulations



**GCA current density range comparisons for residential projects are as follows:**

	Zoning code	Masterplan	Lot Size	No of D.U.	Height
Single family detached	4 D.U./ acre	4 D.U./Acre	5000 sf	45	2 story 30'-0"
Zero Lot line semi-attached (duplex)	6 D.U./acre	6 D.U./Acre	3000 sf	72	2 story 30'-0"
Row 4 to 8 (townhomes)	10 D.U./acre	10 D.U./Acre	2,500 sf	232	2 story
Multi-Family	26 D.U./acre	26 D.U./Acre	1,688 sf		3 -5 stories
Hotel (small)	32 D.U./acre	32 D.U./acre	1,168 sf	75	87 ft

**Coordination with Government Agencies:**

- The Planning team met with government agencies to discuss and coordinate the masterplan and phases and infrastructure.
- In the collaboration the infrastructure agencies provided feedback and guidance as to possible phasing timeframes and checked infrastructure capacity to meet the needs of the program.

**Guam Waterworks:**

GWA has several CIP programs underway at different stages for both water and sewer. Summary bullet points are provided below, details of discussions and feedback from GWA are provided in the attached "Assessment of Existing and Proposed Infrastructure".

- Agat Wastewater treatment plant and the Baza Garden WWTP Improvements will provide sewage capacity via the proposed force main.
- Currently sewage gravity capacity is available moving in the direction toward Route 4 and connection points are available nearby, fronting the apartment complex across the street from the current PUD entrance.
- Cross island Road Waterline
- The initial phases 1 and 2 are within the capacity of the available gravity connection. The additional capacity needed for the latter phases would be accommodated through the Baza and/or the force main line being added as part of the consent decree.

**Guam Power Authority**

Energy efficiency is programmed for the dwelling units for environmental reasons as well as the appeal to tenants seeking sustainable homes. Use of renewable energy in the homes includes the use of photovoltaics and solar water heaters.

**Environmental Protection Agency**

We met with Angel Marques, Chief Engineer and Edgardo Ibay, Engineering Supervisor of Water Pollution Control Program of EPA who were already familiar with the site and the proposed work. We discussed the sewer line connections, stormwater treatment and wetland treatment for the proposed

work. The discussion included if package septic systems were viable or even necessary. EPA advised informally that there was likely adequate sewer line gravity connection nearby that might be able

Primary comment is that it may be possible to coordinate on a connection to one of the existing sewerline connections near the apartment building

Additionally EPA advised that the owners and design team would need to coordinate the turnover and schedule of the work to align with the proposed wastewater treatment plant improvements for Agat and Baza Gardens. Both the Agat Wastewater improvements project and the Baza Gardens WWTP projects are currently underway as part of the consent decree.

The proposed neighborhoods utilize Best Management Practices (BMP) in the design to mitigate dust, noise and erosion during and after the construction of all phases.

**Mayors Office of Yona**

Pending letter of support

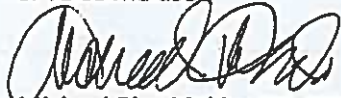
**Department of Public works Traffic engineering:**

The Civil Engineering consultant performed a physical traffic analysis which is provided attached to this summary. Based on the standards and best management practices (BMP) for traffic engineering the following summary is provided:

1. The additional traffic load to Route 17 was determined to be well within the capacity limits of the Route 17.
2. Effects to Vehicle movement on the feeder road leading to route 17 is limited to the two smaller phases 1 and 2.
3. Improvements related to the larger phases 3,4 and 5 will be part of the road and infrastructure work connected to the additional road access.
4. The attached civil engineering report shows detailed guidance regarding infrastructure and roadways.

In Summary, we hope that the information provided is sufficient for the GLUC and the DLM planning team to provide concurrence that the proposed work and the calculations and illustrations for the density of the proposed work are reasonable and consistent with the intent of the original PUD neighborhood, thereby allowing the owner to move ahead with the design and construction as prescribed herein.

Si Yu'os Ma'ase



Michael Blas Makio, AIA, LEED AP

Principal Architect

TRMA+/Taniguchi Ruth Makio Architects

**TRMA**   
Taniguchi Ruth Makio Architects

# WINDWARD HILLS COUNTRY CLUB

## Request for Concurrence for PUD Density Calculations

### LOT NUMBER 154-2-4-REM-NEW-2-REM

Lot Area:  $4738 \text{ sm} + 674,043 \text{ sm} + 1143 \text{ sm} + 2023 \text{ sm} (\text{T\#4}) + 1950 \text{ sm} = 683,897 \text{ sm}$

- I. Project Background
- II. Description of the PUD elements
- III. Application of PUD Regulations and Density Calculations
- IV. Collaboration with Agencies
- V. Supporting Considerations for Concurrence and Conclusion





## PROJECT BACKGROUND

- ▶ The PUD is a 168 acres, located in Yona aka the Windward Hills Country Club.
- ▶ The property was designated Planned District Development by TPC action on June 22, 1972.
- ▶ Sept. 2016 Wonderful Guam requested GLUC concurrence for a density calculation for the existing PUD, in order to begin the design and construction of residences and supporting amenities.
- ▶ GLUC requested a fuller picture of the intention and character of the proposed PUD and allowable uses including the projected density for the whole project.
- ▶ A mix of supporting uses is combined to create character and variety in the PUD – avoiding monotonous neighborhoods while supporting the GCA requirements for protecting open space.
- ▶ The PUD is programmed for a diverse and robust rental market, including “Senior Active Living Housing”, TLA/TDY/Service apartments and conventional rentals.
- ▶ Program is developed to encourage add'l permanent jobs in the village of Yona. Other examples include Wetland farming (“Amot”) opportunities and including village farmers in F&B.

## PROJECT BACKGROUND (CONT'D)- THE DESIGN PROCESS & DEVELOPING THE RIGHT DENSITY.

3

- Review of available documents for the PUD along with the Guam laws and GCA sections
- Overlaying the approved (1972) PUD map on the property to see which program uses fell within the property boundaries.
- Perform site visits to study the existing terrain, character of the current development and surrounding neighborhood.
- Synthesizing the PUD program into a concept focused on smart growth and diversity of housing types & PUD uses within reasonable density limits.
- PUD uses were laid out prioritizing pedestrian circulation and efficient distribution for water, power and sewer infrastructure
- A low impact 75 room all-suites hotel is proposed above the clubhouse, lockers, F&B and other amenities. Many of the supporting services will be made available to the Yona village.
- 2-covered parking is provided for each home. ADA parking is provided and visitor parking is provided. 40' streets allow for landscape buffer and street side parking too.



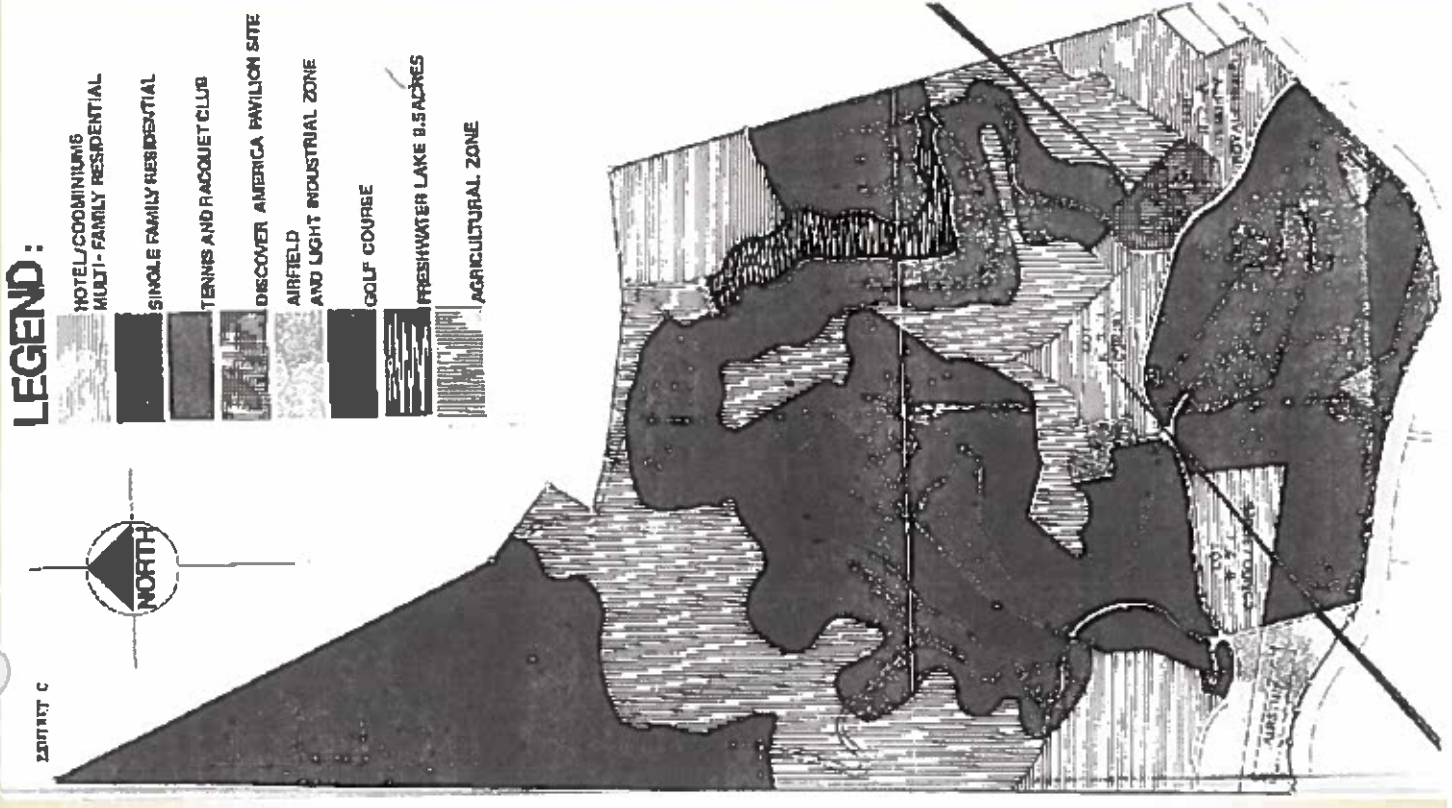
## PROJECT BACKGROUND





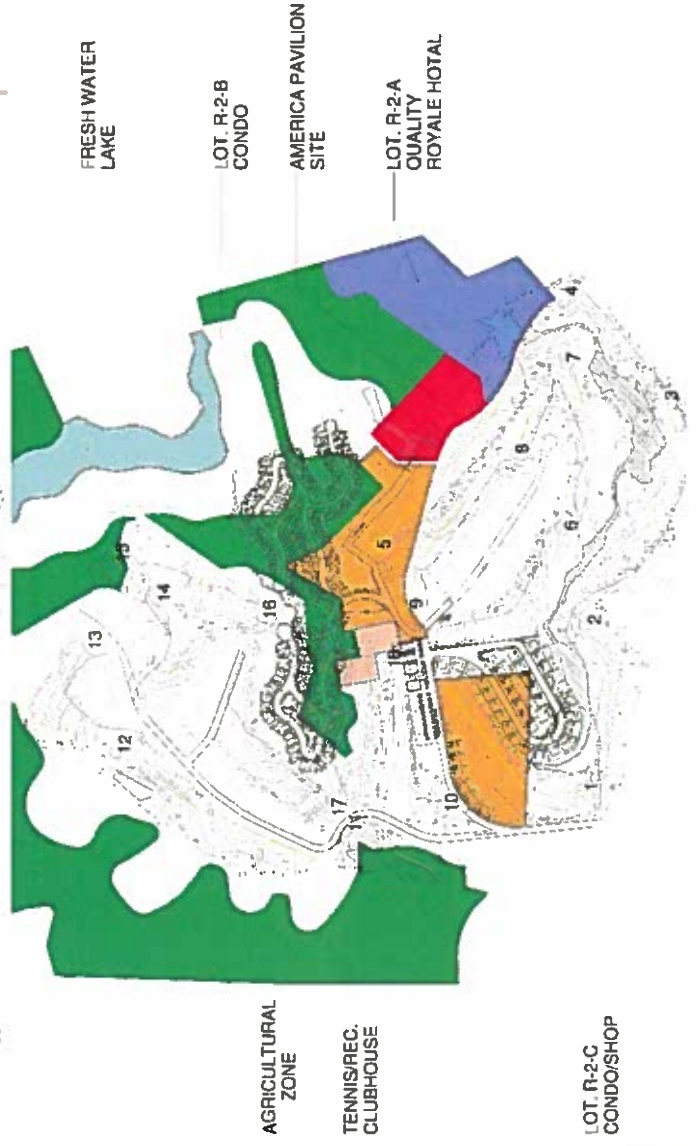
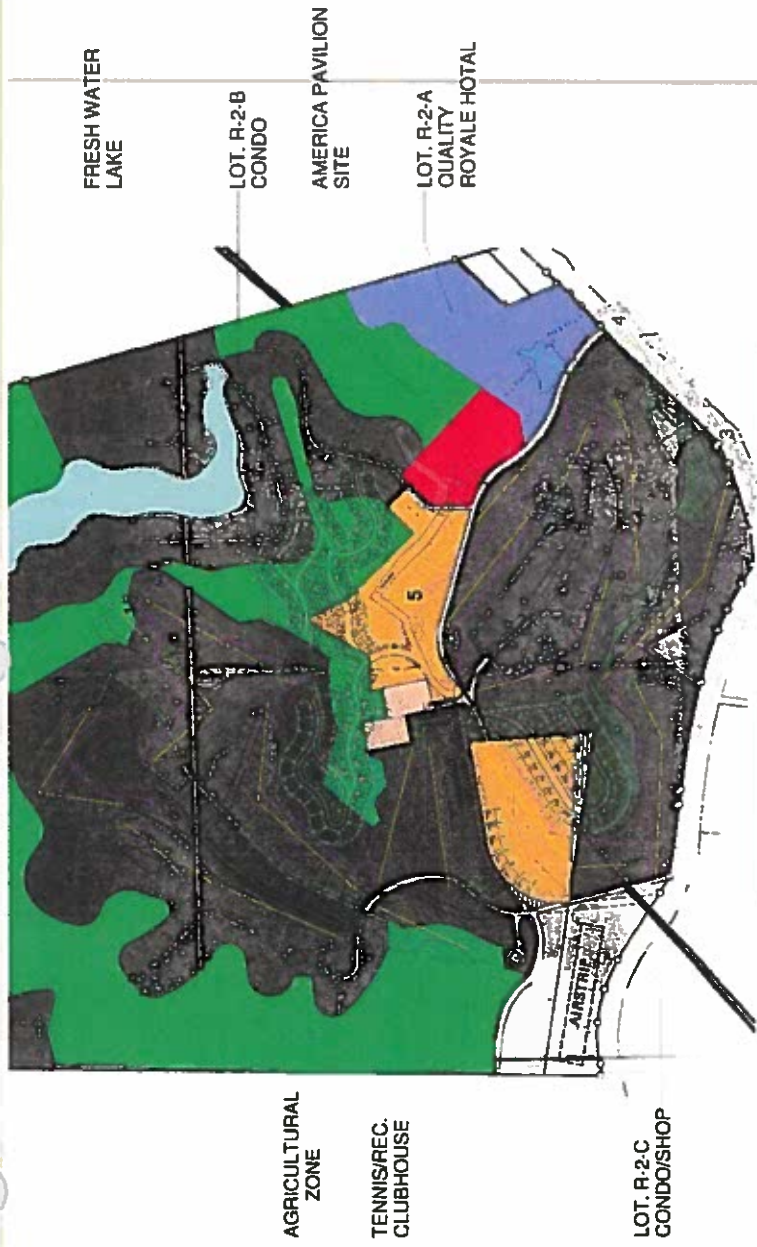
## DESCRIPTION OF PUD ELEMENTS

- ▶ Single Family Homes
- ▶ Multi-Family
- ▶ Condominium & shops
- ▶ Hotel
- ▶ Single Family Residences
- ▶ Tennis and Raquet-ball clubs
- ▶ Discover America Pavilion
- ▶ Air Field Light industrial
- ▶ Golf Course
- ▶ Fresh Water lake



## Description of PUD Elements

Topics w  
neighbors  
include new  
roads, erosion,  
density  
wetlands  
bus shelters  
water, other  
services  
(ambulatory  
and health  
related),  
providing opps  
for jobs and  
small business &  
preserving the  
golf course





# Description

7

## of PUD elements

The approved PUD elements include single & multifamily residences, low impact, mid-rise, all-suites hotel, PUD amenities and recreational spaces





## Description

8

## of PUD elements

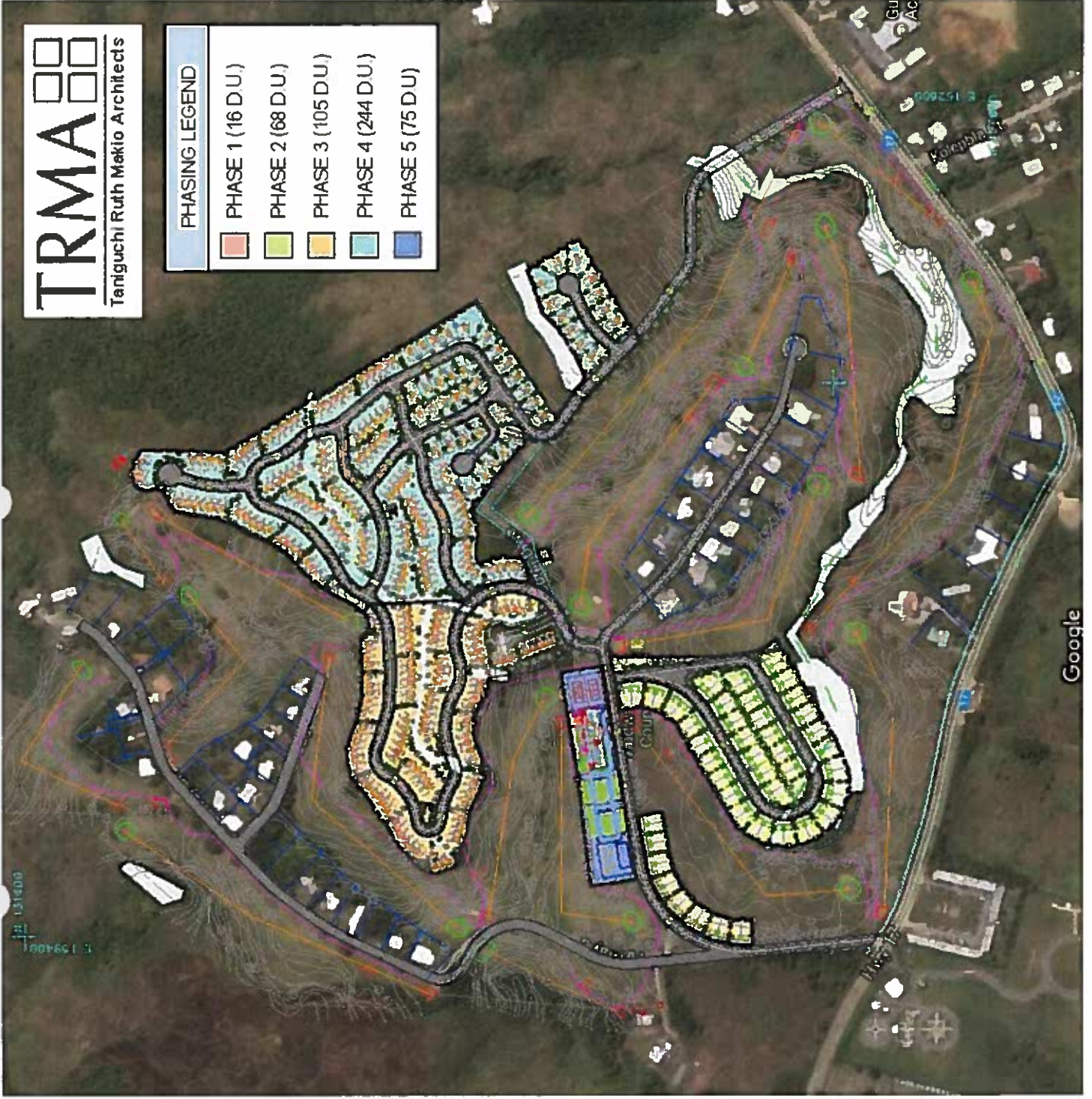
Smart Growth /sustainable growth principles are applied in the masterplan to provide supporting neighborhood spaces & reduce vehicle use.

# TRMA

Taniguchi Ruth Makio Architects

### PHASING LEGEND

- PHASE 1 (16 D.U.)
- PHASE 2 (68 D.U.)
- PHASE 3 (105 D.U.)
- PHASE 4 (244 D.U.)
- PHASE 5 (75 D.U.)





# Description of PUD elements

9





## Description of PUD elements

10

Landscape provides character and natural sun shading, noise buffers and defines fairways and protects homes.





## Description of PUD elements

11



A new access road mitigates traffic impacts to the existing roads and provides a routing for new power, water and sewage.





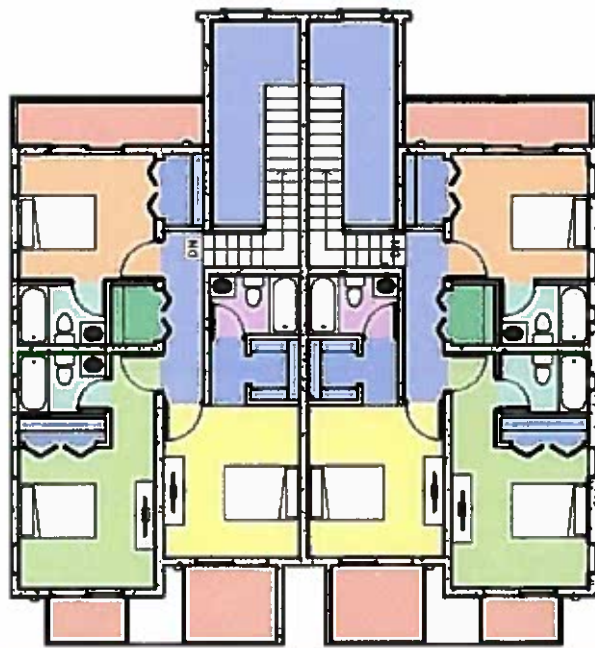
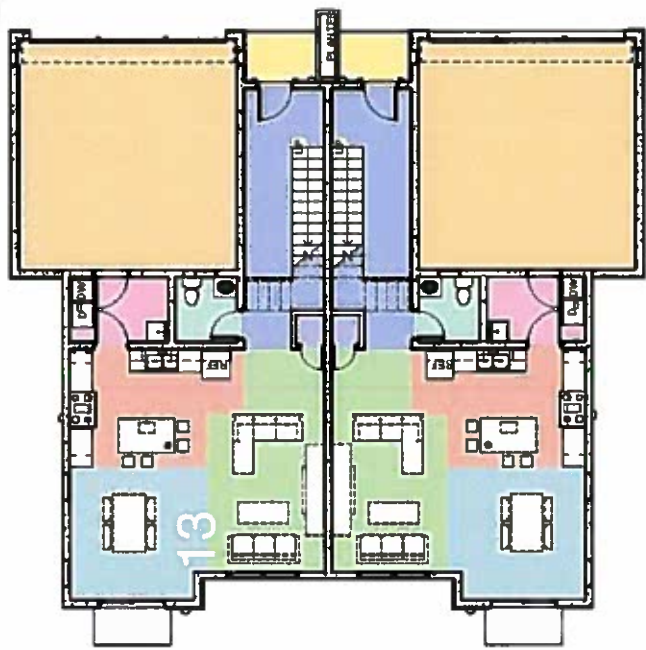
## Description of PUD elements

Additional  
amenities include  
multi-use,  
neighborhood  
scale retail,  
postal service,  
health club,  
playgrounds,  
convenience  
store, Pharmacy,  
pet grooming,  
Day-care,  
sidewalks,  
running paths,  
sport activities,

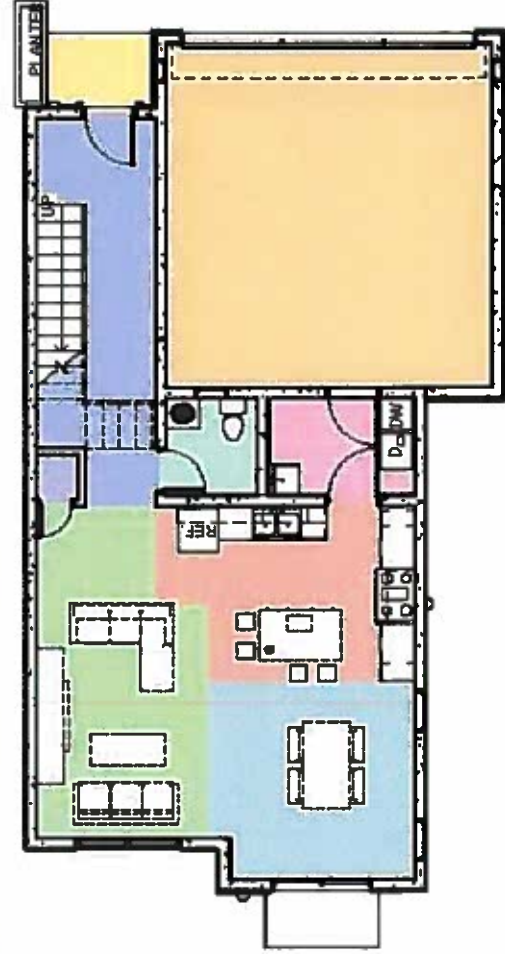




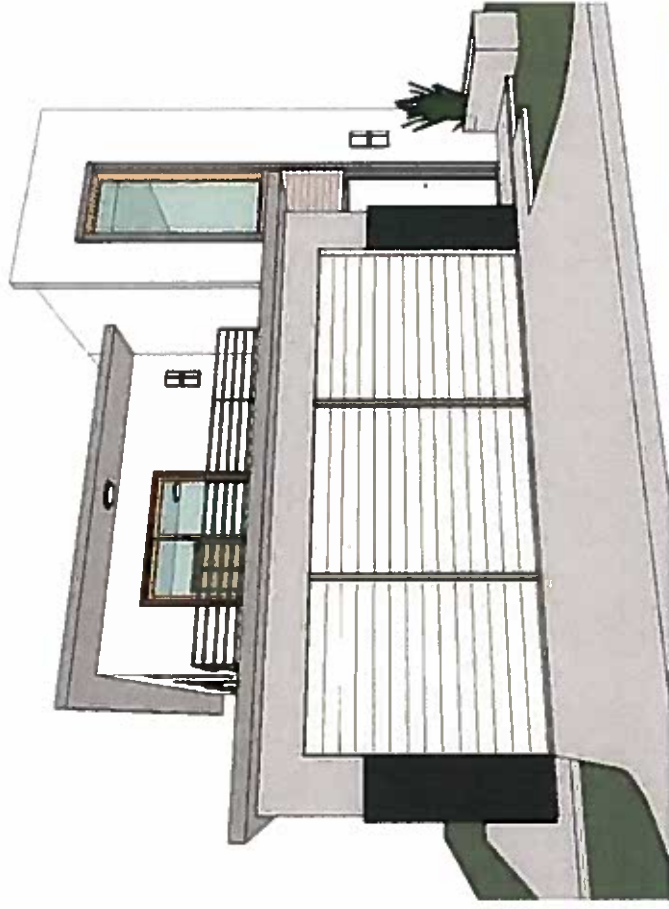
# Description of PUD elements

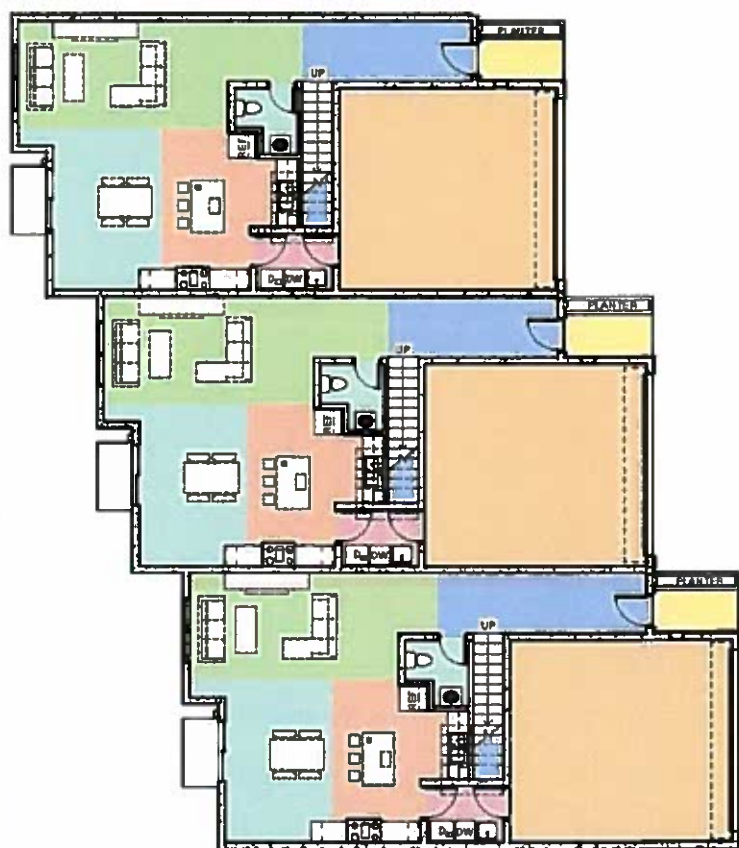
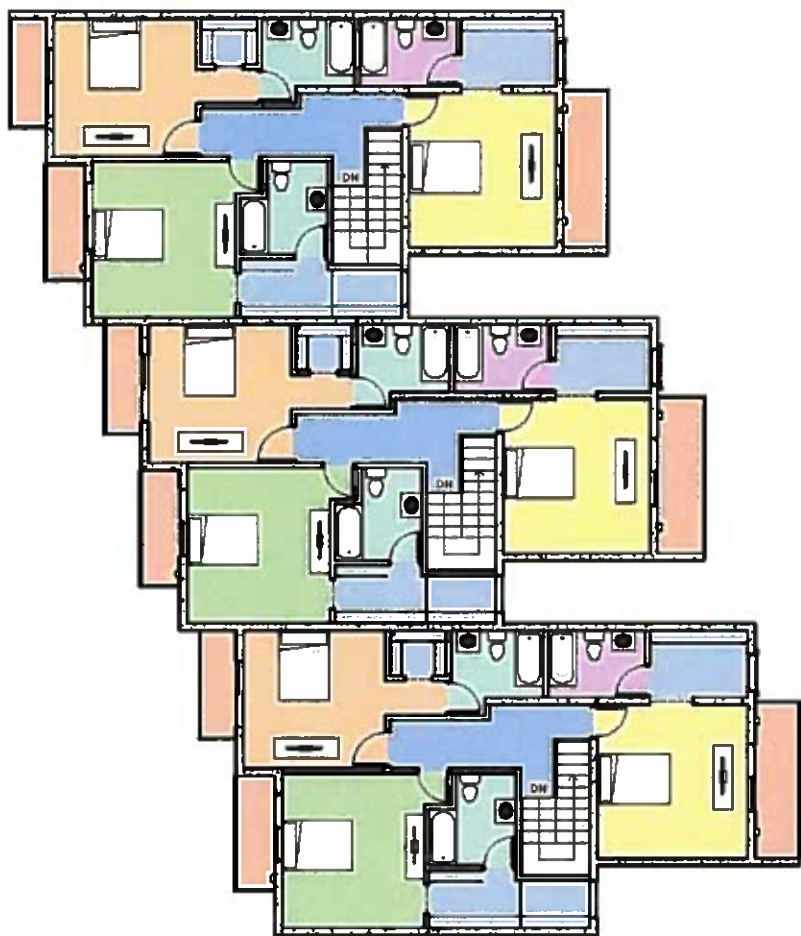






2-car garage is provided for each home. ADA parking and visitor parking is provided. 40' streets allow for landscape buffer and street side parking too.







## APPLICATION OF PUD REGULATIONS & DENSITY CALCULATIONS

- **GCA:** "To encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements".
- **(h) Cluster Development.** Placement of residential units in close association to each other in order to consolidate required lot area into usable open space for the benefit of those living in such residential units.
- **Section 61635:** (d) All structures, including accessory structures, shall not cover more than thirty percent (30%) of the area;
- **(h)** All impermeable surfaces considered as a structure constituting gardens, sidewalks, fences, barrier walls, retaining walls, **open air recreational facilities exposed to sunlight**, swimming pools, and all subterranean structures located beneath grade and covered by earth shall be considered as an open area.

## APPLICATION OF PUD REGULATIONS & DENSITY CALCULATIONS

► The PUD law requires 70% open space to 30% enclosed. To achieve this requirement a variety of housing types are used. Per the PUD law, the golf course is included in the open space area.

► Number of dwelling units	488
► Approx. area of residences	40.00 acres
► Approx. area of support spaces	10 acres
► Req'd open space	$168 \text{ acres} \times .7 = 117 \text{ acres}$
► Allowable enclosed space	$168 \text{ acres} \times .3 = 50.4 \text{ acres}$

### ► **Summary**

**50 acres < 50.4 acres**

► **Calculation of density:** the property is approximately 168 acres gross (680,000 sm).

► The applicable density calculation for this PUD is the Gross Site Density method. Gross Density is determined by dividing the number of individual dwelling units by the area of the property:

► <u>Total Residences</u>	<u>488 units</u>	<u>488 units =</u>	<u>2.90 DU's</u>
► <u>Total Site Area</u>	<u>680,000 sm</u>	<u>168 Acres =</u>	<u>acre</u>



## COLLABORATION WITH AGENCIES: GWA

Mauryn McDonald, Clint Huntington, Sylvia Mercado

18

Sewer and water for phases 1 and 2 is available.

Phases 3, 4 & 5 will correlate schedules to the completion Baza WWTP & Agat WWTP upgrades (mandated improvements).

For water tanks- overnight pump schedules may be req'd. The exist'g homes & golf course have a 6-inch water main connected to the 16-inch GWA water main on Route 17.

Phases 1 & 2 may be connected to the exist'g water mains. Phases 3, 4, & 5 may have a separate connection- via the new access road -to the Route 17 water main.

Anticipated loads were presented. GWA indicated the pressure available at the proposed connection point was 30 - 35 psi. GWA and advised it cannot guarantee provision of adequate water supply for fire flow demand.

Pressure for FP systems may require pumps. System dev't charges may be applied

Phase 1: 8.80 gals/min 132 gc/d

Phase 2: 37.4 gals/min 132 gc/d

Phase 3: 58.8 gals/min 132 gc/d

Phase 4: 122 gals/min 132 gc/d

Phase 5: 22.1 gals/min 132 gc/d

## Collaboration with Agencies – GPA (V Sablan, E Cruz,

19

AE met with, the GPA & presented the est'd. consumption.

Multi family homes are more efficient & reduce consumption by sharing outdoor & common area lighting

PV net metering, PV street lighting & Solar water heaters in the PUD program help reduce Power consumption.

Exist'g power lines serving the golf course & surrounding residences in the PUD may be replaced with a double main line feed with switches for zoning & Isolation (for load range of approx. 5,000 kva). For load demand of 7,000 kva & up a substation may be necessary.

GPA will need phasing dates early during the preparation of permit /engineering drawings to coordinate supply.

Add'l load may be factored to convert existing SFD homes to the new double main line.

Phase 1 demand is likely available from the current service.

Phase 1 range 160 - 324 kva

Phase 2 range 680 - 1377 kva

Phase 3 range 1,050 - 1399 kva

Phase 4 range 2 440 - 3680 kva

Phase 5 range 518 - 750 kva

Total Range 4,848 - 7530 kva



## Collaboration with Government Agencies DPW Traffic:

20

Traffic Impact Analysis estimated the add'l traffic from the project. The PUD shares an access road to Rte 17 with the adjacent homes. We studied the intersection traffic levels anticipated for the PUD.

OTISS software modeled the Study Area, calculate the trip generation, and network analysis, using guidelines developed by Institute of Transportation Engineers (ITE).

Traffic counts were entered into OTISS as exist'g conditions. Traffic coming from & going to all directions were recorded.

Add'l volume of traffic before & after the completion of the development were generated by OTISS and compared to the capacity of each intersection being studied. The post-dev't volume of traffic did not exceed the capacity of the intersections.

Therefore the existing roads have adequate capacity to handle both the existing and additional volume of traffic.

Note that per DPW -Phase 2 of Route 17 Rehabilitation and Widening Project is currently in the design stage and will further enhance the capacity of Route 17.

A new access road will house utilities and traffic in phases 3,4 & 5 and mitigates minimizes road disruptions.

## ■ Collaboration with Agencies – Guam EPA

- A Lidar survey was used to study the existing terrain and stormwater. Surface runoff from Phase 1 & 2, Clubhouse, & existing lots discharge into the wetland to the south. Phases 3 & 4 send surface runoff to the natural waterways to the NE.
- The site grading will be designed to minimize earthwork. Cut and fill shall be balanced to the extent possible to avoid importation of off-site fill materials or hauling of excess soil.
- Grading design will focus the stormwater management. Low-Impact Development (LID) and Best Management Practices (BMP) maintaining natural drainage patterns. Structural stormwater (BMPs) will be designed to remove 80% of the average annual post development (TSS) load & match the pre-dev't infiltration rates. BMPs will also be used so that the post-dev't peak discharge rate does not exceed the pre-dev't peak discharge rate for 25-year events.
- All BMPs will be designed complying with the CNMI/Guam Stormwater Management Manual, 2006.
- Designs will harvest rainwater for wetland support and for secondary landscape irrigation.



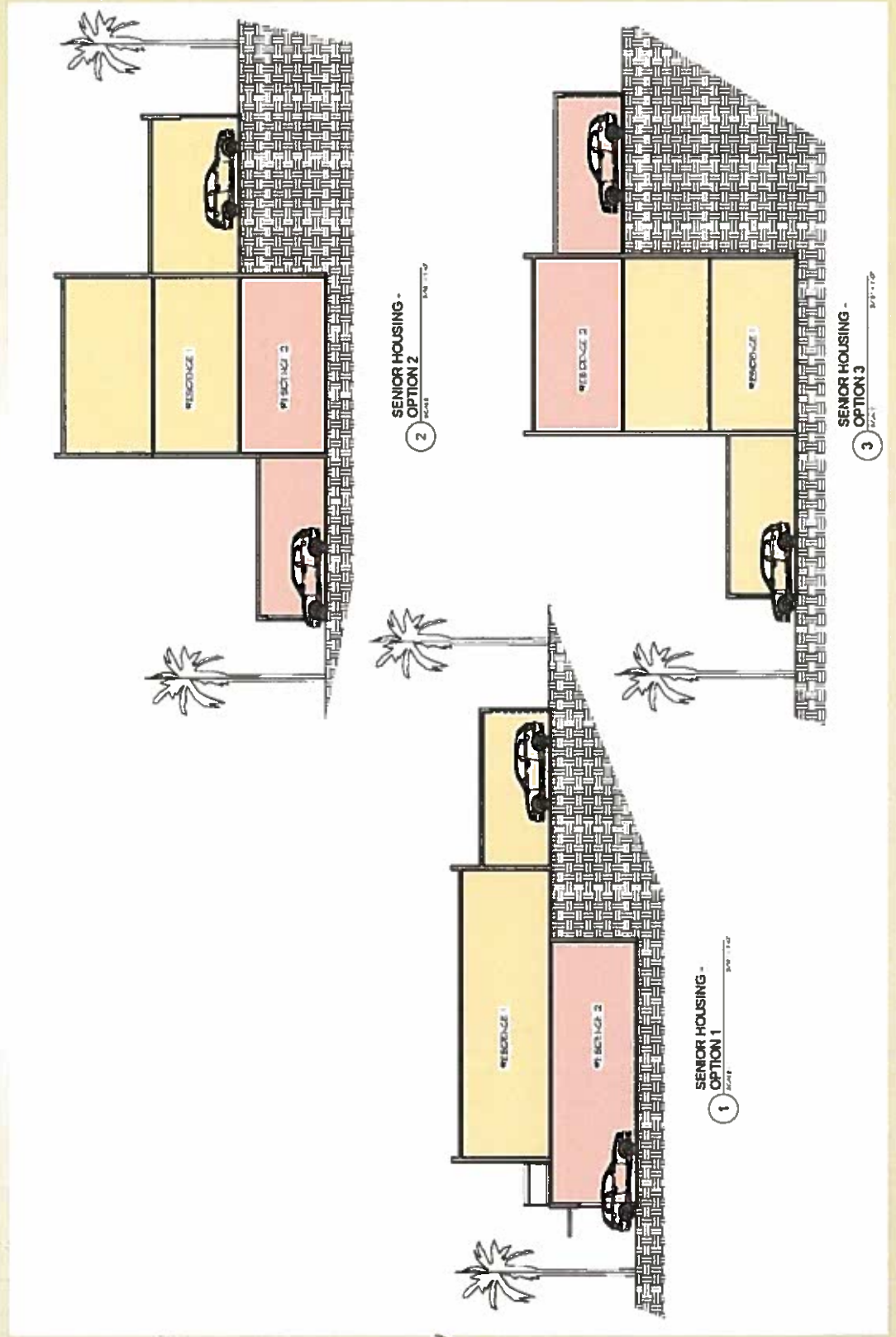
## Supporting Considerations and Conclusion

22

- The planning team engaged with GPA, GWA, EPA and DPW Traffic engineering to establish open communications and incorporate information and concerns as they were made available.
- GWA advised the schedule of the CIP improvements for the Baza Wastewater and Agat projects. The planning team has correlated this to phases 3, 4 and 5.
- The AE and the property owner have maintained the Zoning regulations and setbacks. And strived to provide balanced and compatible density that supports a desirable character for the PUD and for Yona.
- With Smart Growth, Multi-Use Planning and Sustainability prioritized in the design and construction of the project, the PUD will add to the village of Yona and provide a positive example of density for other design and construction projects in the south.

## Description of PUD elements

23



ATTACHMENT "B"



**DIPATTAMENTON MINANEHAN TÂNO'**  
(Department of Land Management)  
**GUBETNAMENTON GUÅHAN**  
(Government of Guam)



DEPARTMENT OF  
LAND MANAGEMENT

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

MICHAEL J. B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

Website:  
<http://land.guam.gov>

E-mail Address:  
[dlmdir@land.guam.gov](mailto:dlmdir@land.guam.gov)

Telephone:  
671-649-LAND (5263)

Facsimile:  
671-649-5383

January 6, 2017

Memorandum

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Application No. 2015-29B Zone Variance for Height

RE: Notice and Order to Show Cause Response

At its regular meeting of November 29, 2016, the Guam Land Use Commission (GLUC) reviewed the Status Report for conditions of approval for Guam Wanfang Construction Ltd.

The submitted report determined to be lacking in content, thus direction initiated by the Chairman to issue an Order to Show Cause as to the reason(s) for failure to comply with Conditions of Approval of the Zone Variance for Height for the proposed Pago Bay Marina Resort, as noted on Notice of Action, dated May 10, 2016. The applicant was to present a complete and exact report to address the following within two weeks of receipt of the notice and order:

- a) Failure to meet the required six (6) month deadline;
- b) The financial status of the project;

Further, at its meeting on November 29, 2016, the GLUC identified the following additional items to be addressed:

- c) Density requirement appearing to have been exceeded;
- d) Not meeting the parking requirements;
- e) Update and status on the interment of remains; and
- f) Written report from the Army Corps of Engineers on any possible impacts to the wetlands.



**Application No. 2015-29B**  
**Notice & Order to Show Cause Response**  
**Page 2 of 2**

Actions and events occurring after the Chairman's directive included:

- a) On December 5, 2016, the Executive Secretary of the GLUC received a letter from FC Benavente, Planners advising that their company will no longer represent the project before the GLUC (Attachment A).
- b) A Notice and Order to Show Cause was issued to the applicant's representative, Mr. John Sherman of AES Construction Inc. on December 7, 2016 (Attachment B).
- c) In response, on December 21, 2016, the applicant submitted the "Pago Bay Ocean Resort OTSC December 7, 2016 Response December 21, 2016.
- d) Additional information submitted on December 22, 2016 from Dooley Roberts Fowler & Visosky LLP Attorneys at Law, containing the Draft Agreement pursuant to section 8 of the May 3, 2016 Notice of Action re: Pago Bay Marina Resort (Attachment C).
- e) On December 23, 2016, Ms. Barbara Burkhart, the Designer of Record submitted corrections to some typographical errors discovered (Attachment D).
- f) On December 27, 2016, final adjustments to the submission regarding the proposed Reburial Site (Attachment E).

In light of information provided, we are of the opinion the applicant has met the minimum requirements in response to the issued Order to Show Cause and we defer to providing further technical assistance as may be needed by the Commission.



**Marvin Q. Aguilar**  
Guam Chief Planner

Attachments

Case Planner: Celine Cruz

RECEIVED  
MB 12/5  
DEC 05 2016  
12/16

## FC BENAVENTE, PLANNERS

Planning, Zoning, Land Development Consulting, Permitting

127 Bejong Street, Barrigada, Guam 96913  
Tel: 671.988.7011 [felouben@gmail.com](mailto:felouben@gmail.com)

December 1, 2016

20 FILE

Mr. Michael Borja, Executive Secretary  
Guam Land Use Commission  
C/O Department of Land Management  
PO Box 2950  
Hagatna, Guam 96910

Subject: Notice of Termination of Consultant Services for Pago Bay Marina Resort, Lot 164-4NEW-1 (GLUC No. 2015-29B), in the Municipality of Yona.

Hafa Adai Mr. Borja,

Please be advised that our company will no longer be representing the above subject project before the Guam Land Use Commission. This action is effective December 1, 2016.

We express our appreciation for all the assistance, support, and courtesies extended to our company, particularly by your agency as well as by other GovGuam agencies during our involvement with Pago Bay Marina Resort.

You may contact our Associate Planner, Mr. Raymond Benavente at 988-4142, or at [gmgusa@yahoo.com](mailto:gmgusa@yahoo.com) should you need general information.

We appreciate your understanding and consideration.

Si Yu'os Ma'Ase

  
Lourdes A. Benavente  
General Manager

12/17

**ATTACHMENT B**

The attached **Notice and Order to Show Cause** dated **December 7, 2016** was duly served upon and acknowledged by **GUAM WANFANG CONSTRUCTION, LTD** at **10:50am, December 7, 2016** at Unit 308, Sunny Plaza, 125 Tun Jesus Crisostomo Street, Tamuning.



**JOHN J. GUMATAOTAO, Land Agent**

*Special Process Server for the Department of Land Management*



# GUAM LAND USE COMMISSION

In the Matter of: )  
Guam Land Use Commission ) APPLICATION No. 2015-29B  
vs. ) NOTICE & ORDER TO  
Guam Wanfang Construction Ltd. ) SHOW CAUSE

---

## THE GUAM LAND USE COMMISSION TO:

Guam Wanfang Construction Ltd.  
Unit 108 Sunny Plaza  
125 Tun Jesus Crisostomo Street  
Tamuning, Guam 96913

**YOU ARE ORDERED TO SHOW CAUSE** as to the reason (s) for failure to comply with Conditions of Approval of the Zone Variance for Height for the proposed Pago Bay Marina Resort as noted on Notice of Action, dated May 10, 2016 and to present a complete and exact report to address the following within two (2) weeks of receipt of this notice and order:

- a) Failure to meet the required six (6) month deadline;
- b) The financial status of the project;

Further, at its meeting of November 29, 2016, the GLUC identified the following additional items to be addressed:

- c) Density requirement appearing to have been exceeded;
- d) Not meeting the parking requirements;
- e) Update and status on the interment of remains; and
- f) Written report from the Army Corps of Engineers on any possible impacts to the wetlands.

1  
2 You should be prepared to provide evidence to the GLUC as to how  
3 you complied or any work towards compliance with all of the conditions of  
4 the Notice of Action. Failure to appear at the hearing may result in a  
5 default judgment against you.  
6

7 **YOU ARE ORDERED TO APPEAR** at the Guam Land Use  
8 Commission ("GLUC") Meeting at the Guam International Trade Center  
9 (GITC) Building, 590 S. Marine Corps Drive, Third Floor, Department of  
10 Land Management (DLM) Conference Room, Tamuning, Guam on  
11 January 12, 2017 at 1:30 p. m. to address your submitted report.  
12

13 **IMPORTANT:** This hearing directly affects the continuation of  
14 your project. You should seriously consider your actions relative to  
15 this notice.  
16

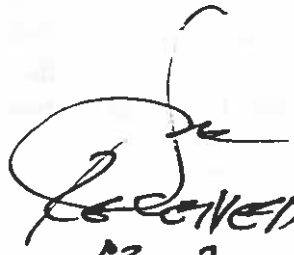
17  
18 Dated this 7<sup>th</sup> day of December, 2016  
19  
20  
21

22  
23 GUAM LAND USE COMMISSION  
24

25 By: \_\_\_\_\_

26   
27 John Z. Arroyo  
28 Chairman  
29  
30  
31

Seamy Plaza  
Unit 305

  
RECEIVED  
12-7-2016 10:56 AM  
Jane Sherman

ATTACHMENT C

DOOLEY ROBERTS FOWLER & VISOSKY LLP  
ATTORNEYS AT LAW

RECEIVED

12-22-2016

DAVID W. DOOLEY  
TIM ROBERTS  
KEVIN J. FOWLER  
JON A. VISOSKY  
SETH FORMAN

865 SOUT MARINE CORPS DRIVE  
SUITE 201  
TAMUNING, GUAM 96913  
TELEPHONE: (671) 646-1222  
FACSIMILE: (671) 646-1223  
www.GuamLawOffice.com

Of Counsel:  
MELINDA C. SWAVELY

Writer's Direct Email:  
Forman@GuamLawOffice.com

December 21, 2016

VIA HAND DELIVERY

John Z. Arroyo, Chairman  
Guam Land Use Commission  
ITC Building  
590 South Marine Corps Drive  
Tamuning, Guam 96913

MB 12/23



VIA HAND DELIVERY

Marvin G. Aguilar, Guam Chief Planner  
Department of Land Management  
590 South Marine Corps Drive  
Tamuning, Guam 96913

**Re: Draft Agreement pursuant to section 8 of May 3, 2016 Notice of Action re:  
Pago Bay Marina Resort**

Dear Chairman Arroyo and Chief Planner Aguilar:

Attorney Jon Visosky of our office is currently representing Wanfang Construction, Ltd. and Guam Wanfang Construction Ltd. with regards to matters pending before the Guam Land Use Commission concerning the Pago Bay Marina Resort project. Because Jon is currently off-island, I have been asked to prepare a document to be submitted to the Commission for review, that being a draft agreement between the Commission and Wanfang concerning a demolition bond to assure demolition of structures associated with the project in the event that Wanfang cannot complete the project due to lack of funding. Wanfang is required to submit this draft agreement by section 8 of the Notice of Action prepared on May 3, 2016 concerning Wanfang's request for a height variance. A draft agreement is enclosed for your review and comments. Because section 8 did not provide substantial detail concerning the agreement to be submitted for the Commission's review, I would like to call your attention to some of the proposed language that has been included to "fill in the blanks".

I would note that the draft agreement provides for a bond payable to the Guam Department of Public Works in the amount of 110% of the estimated cost of demolition of the

6/17/17  
8-27



project, not 110% of the cost of the entire project. This is because the bond would be used only to demolish the incomplete project, rather than to complete, the project.

The draft agreement provides for reports from Wanfang to the Commission up until the time that construction commences. Wanfang understands that once construction has commenced, the Department of Public Works would be the agency with primary responsibility for oversight in accordance with Guam law.

The draft agreement also provides for demolition of any or all parts of the project that are incomplete and that violate any Guam law, are a hazard to the environment or public health, and/or are an eyesore. It is Wanfang's understanding and belief that even if the entire project is not completed on time, the bond would and should not be used to demolish buildings or facilities that are complete and functional.

With respect to review of an initial decision by the Commission to authorize use of the bond to commence demolition, the draft agreement provides that Wanfang would have a minimum (and at the Commission's discretion, that could also be a maximum) of 30 days to seek reconsideration of such a decision. The draft agreement provides that Wanfang could not seek judicial review of the decision without first seeking reconsideration from the Commission. The draft agreement further provides that if Wanfang then seeks judicial review, a decision by the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive. This is the same deferential standard of review applied to other administrative agency decisions in 9 GCA §9239 in Guam's Administrative Adjudication Law.

Thank you for your attention to this matter. Representatives of Wanfang and either Jon or I would of course make ourselves available to meet with you and/or the Commission's attorney to discuss this Draft Agreement. Once the draft agreement has been reviewed and approved, we can arrange to have it finalized and recorded.

Sincerely,

DOOLEY ROBERTS FOWLER & VISOSKY LLP

*Seth Forman*

Seth Forman

Encl.

cc: James Fang, Vice President/General Manager  
Guam Wanfang Construction Ltd.

John K. Sherman, PE, President  
AES Construction

**DRAFT AGREEMENT BETWEEN GUAM LAND USE COMMISSION AND GUAM  
WANFANG CONSTRUCTION LTD. CONCERNING DEMOLITION BOND**

THIS AGREEMENT is entered into this \_\_\_\_ day of December, 2016, by and between the Guam Land Use Commission, hereinafter called "the Commission", represented by the Chairman of the Commission, and Wanfang Construction Ltd., hereinafter called "Wanfang", represented by the General Manager of Guam Wanfang Construction Ltd..

WHEREAS, in Application No. 2015-29A, Wanfang applied to the Commission for a zone variance for height to construct the Pago Bay Marina Resort on Lot 164-4NEW-1, Municipality of Yona; and

WHEREAS, on May 3, 2016, the Commission approved the application for the zone variance for height with conditions; and

WHEREAS, the conditions for the approval included a requirement that there be an agreement between Wanfang and the Commission to assure the availability of funding for the demolition of structures associated with the project in the event the developer fails to realize project completion as a result of lack of funding:

NOW THEREFORE the Commission and Wanfang agree as follows:

1. Wanfang shall commence construction on the Pago Bay Marina Resort project by May 1, 2017, and shall complete the project by November 30, 2019.
2. From the date of recordation of approval for the project up until the date of commencement of construction, Wanfang shall submit a written report every six months to the

Commission on the status of the project with respect to the associated phases of development. The reports shall include the status of funding for the overall project. Prior to commencement of construction, Wanfang shall provide the Commission with documentation that it has the financial capability to complete the project.

3. Prior to securing permits for the project, Wanfang shall obtain an estimate of the cost of demolition of the structures associated with this project from a reputable demolition company. Wanfang shall provide a copy of the estimate to the Commission.

4. Wanfang shall obtain a bond payable to the Guam Department of Public Works in an amount equal to 110% of the estimated cost of demolition of the structures associated with this project.

5. If the project is not completed by May 31, 2020, or if the Commission determines through substantial evidence that the project has been abandoned without being completed prior to that date, and if the Commission determines through substantial evidence that any or all parts of the incomplete project that are in place at that time violate any Guam law, are a hazard to the environment or public health, or are an eyesore visible from adjoining property or public roads, then the Commission may issue a decision authorizing the Department of Public Works to use the funding from the bond to demolish such parts of the project.

6. Wanfang may seek reconsideration from the Commission of a decision issued pursuant to paragraph 5 of this agreement within such time period as the Commission finds to be reasonable, provided that such time period shall not be less than 30 days. When seeking such reconsideration, Wanfang must cite appropriate reasonable justification to rescind such order. No demolition shall take place and no funds from the bond shall be expended while a request for



reconsideration, or an appeal therefrom, is pending. The request for reconsideration is a requirement for Wanfang to exhaust its administrative remedies before Wanfang may appeal the decision as set forth in paragraph 7 below.

7. Wanfang's may appeal any decision made by the Commission pursuant to this Agreement to the Superior Court of Guam by filing a petition for judicial review in the Superior Court of Guam within 30 days after denial of a request for reconsideration. A decision of the Commission which is in accordance with the law and which is supported by substantial evidence shall be conclusive.

8. Wanfang may request the release of any bonding obtained pursuant to this Agreement when the project is complete and a final occupancy permit has been secured through the Guam Department of Public works.

**GUAM LAND USE COMMISSION**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**John Z. Arroyo, Chairman**

**GUAM WANFANG CONSTRUCTION, LTD.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**James Fang, Vice President/General  
Manager**

TAMUNING, GUAM ) ss:

)

ON THIS \_\_\_\_ day of December, 2016, before me, a Notary Public in and for the Territory of Guam, personally appeared **John Z. Arroyo**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

---

Notary Public

TAMUNING, GUAM ) ss:

)

ON THIS \_\_\_\_ day of December, 2016, before me, a Notary Public in and for the Territory of Guam, personally appeared **James Fang**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

---

Notary Public

RECEIVED  
12/23/16  
CR

December 23, 2016

Department of Land Management  
ITC Building Suite 733  
590 S. Marine Corps Drive  
Tamuning, GU 96913

Attention: Mr. Marvin Aquilar  
Chief Planner

Re: Status of Notice To Show Cause (NSC) – November 29, 2016  
Addendum to December 21, 2016 Submission

Mr. Aquilar,

On behalf of Guam Wanfang Construction, we submit the following Addendum to our December 21, 2016 Submission

We take seriously the statistics for the project and triple checked the numbers and counts after submission. We found a few typographical and counting errors. Please accept these corrections.

Response Letter – revise total parking as follows

1. Total Parking Spaces provided 272. Requirement is 1:1 residential unit count to parking count, exceeding required minimums by 40 spaces.

B100 – Full Size 107 Total 113

Attachment 2 – Square Footage Summary – Replace entire section with Attachment

Thank you for your time.



Barbara Burkhardt, RA  
Designer of Record



I.	Lot Number	LOT 164-4NEW-1		
II.	Municipality	Yona		
	Lot Area		299,505	sf
	Wetland Reserve	32%	96,660	sf
	Vegetative Barrier (V.B.)	20%	58,258	sf
III.	Building Footprint	16%	49,261	sf
IV.	Public Area			
	Recreational Swimming Pool 92)		10,887	sf
	Play Area / Slide		1,986	sf
	Landscape/ Driveway Areas		60,933	sf
	* Boardwalk & viewing Platforms V.B.		(3,784)	sf * sf not included
	Concrete Decks & Lounge Area		17,124	sf
	* Gabion Sea Wall (450lf x 6 ft) V.B.		(2,700)	sf * sf not included
	Beach Access		4,066	sf
	Total Public Area	32%	94,996	sf
V.	** Off-Site Grading Route 4 Embankment		(16,670)	sf ** sf not included
VI.	Parking Data			
	Upper Level Parking Area		74,124	sf
	Full Size	107		
	Compact	2		
	ADA Parking	4		
	Lower Level Parking Area		76,813	sf
	Full Size	127		
	Compact	3		
	ADA Parking	4		
	Ground Level Site Parking			
	Full Size	25		
	Total Car Parking	272		
	Other Parking – Bus	1		
	Emergency Vehicle Access	1		

**VII. Tower A**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 1 – 11					
	AA	2	2	1,085	222
	AB	2	2	1,070	245
	AC	3	3	1,707	671
	AD	3	3	1,500	562
	AE	2	2	1,070	245
	AF	2	2	1,085	248
	AG	1	2	796	176
	AH	1	2	754	397
	AI	1	2	797	182
	AJ	2	2	1,052	447
	AK	2	2	1,129	442

Total Residential Units/ Floor

11 Units per Floor/ Gross Areas Per Floor

12,106 3,838

Shared Floor Area per Floor

Stairs	336
Elevator	233
Circulation & Hallways	1,877
Chute	68
Housekeeping / Electrical Closet	212
Ice Machine Room	43
Total Shared Space	2,769

Total for Tower A

11 levels

121 Units

Gross Tower A Area

205,843 sf

**VIII. Tower B**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Levels 2 – 10					
	BA	2	2	1,085	222
	BB	2	2	1,070	245
	BC	3	3	1,707	671
	BD	3	3	1,500	562
	BE	2	2	1,070	245
	BF	2	2	1,085	248
	BG	1	2	796	176
	BH	1	2	754	397
	BI	1	2	797	182
	BJ	2	2	1,052	447
	BK	2	2	1,129	442

Total Residential Units/ Floor

11 Units per Floor /Gross Area per Level

12,106 3,838

Shared Floor Area per Floor

Stairs	336
Elevator	233
Circulation & Hallways	1,877
Chute	68
Housekeeping / Electrical Closet	212
Ice Machine Room	<u>43</u>
Total Shared Space	2,769

9 Levels

99 Units

Subtotal Gross Area **168,417 sf**

	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Level 1	BA	2	2	1,085	189
	BB	2	2	1,070	205
	BC	3	3	1,707	504
	BD	3	3	1,500	408
	BE	2	2	1,070	208
	BF	2	2	1,085	151
	BG	1	1	796	176
	BK	2	2	<u>1,129</u>	<u>313</u>
Total Residential Units/ Floor					
8 Units per floor/ Gross Area Per Floor				9,442	2,154

Shared Floor Area per Floor

Stairs	304
Elevator	233
Circulation & Hallways	2,329
Trash Chute	68
Housekeeping / Electrical Closet	346
Ice Machine Room	74
Lobby Mechanical Room	<u>240</u>
Total Shared Space	3,594

1 Level

8 Units

Subtotal Gross Area **15,190 sf**



	Unit Type	Number of Bedrooms	Number of Bathrooms	Floor Area (Square Feet)	Balcony (Square Feet)
Floor Level M	B	2	2	1,070	205
	C	3	3	1,707	504
	D	3	3	1,500	408
	E	2	2	1,070	208
Total Residential Units/ Floor	4 Units	per Floor		<u>5,347</u>	<u>1,325</u>
	1 Level				
	4 Units				
	Subtotal Gross Area			6,672	

**Total for Tower B**

11 levels	
111 Units	
Gross Tower B Area	190,579 sf

**IX. Ground/ Lobby Floor**


Lobby entry/ Arrival/ Front Desk	834
Guest Lobby Lounge Area (2)	12,344
Gym (Lower Level -Pool Access)	3,945
Restaurant	4,624
Café	1,524
Kitchen	4,035
Function Rooms	5,106
Retail	4,331
Elevator Lobbies	1,634
Stairs	608
Open Lanai Deck Area/ Fountain	<u>3,600</u>
Gross Ground Total Area	42,585 sf

**X. Mezzanine Floor**

Admin Offices	4,411
Maintenance & Housekeeping	5,453
Stairs	760
Elevator Lobbies & Circulation	5,610
Guest Lounge Area	2,400
Gym ( Main Level)	<u>5,746</u>
Gross Mezzanine Total Area	24,380 sf

December 27, 2016

Department of Land Management  
ITC Building Suite 733  
590 S. Marine Corps Drive  
Tamuning, GU 96913

 12-27-16

Attention: Mr. Marvin Aquilar  
Chief Planner

Re: Status of Notice To Show Cause (NSC) – November 29, 2016  
Addendum 2 to December 21, 2016 Submission

Mr. Aquilar,

On behalf of Guam Wanfang Construction, we submit the following Addendum to our December 21, 2016 Submission

We take seriously the statistics for the project and triple checked the numbers and counts after submission. We found an error on the Restriping of the parking lot at the proposed Reburial Site.

1. Parking Spaces provided restriped to 8'6 x 19'.
2. Attachment 4 - Sheet AS- 101 Site Plan, Resubmitted as Attached.

We also submit 2 CD's of the Project Manual. All Addendum and Addendum 2 are included on the CD.

Thank you for your time.



Barbara Burkhardt, RA  
Designer of Record

**ACS**  
ACS CONSTRUCTION  
PAB 23A, SITE 101  
2770 N WAIRAE CORPS DR  
TUALANG, GUAM  
(877) 948-6321

Print Name and Address

Customer / Lead

NOTES: This set was prepared by the  
of ACS Construction

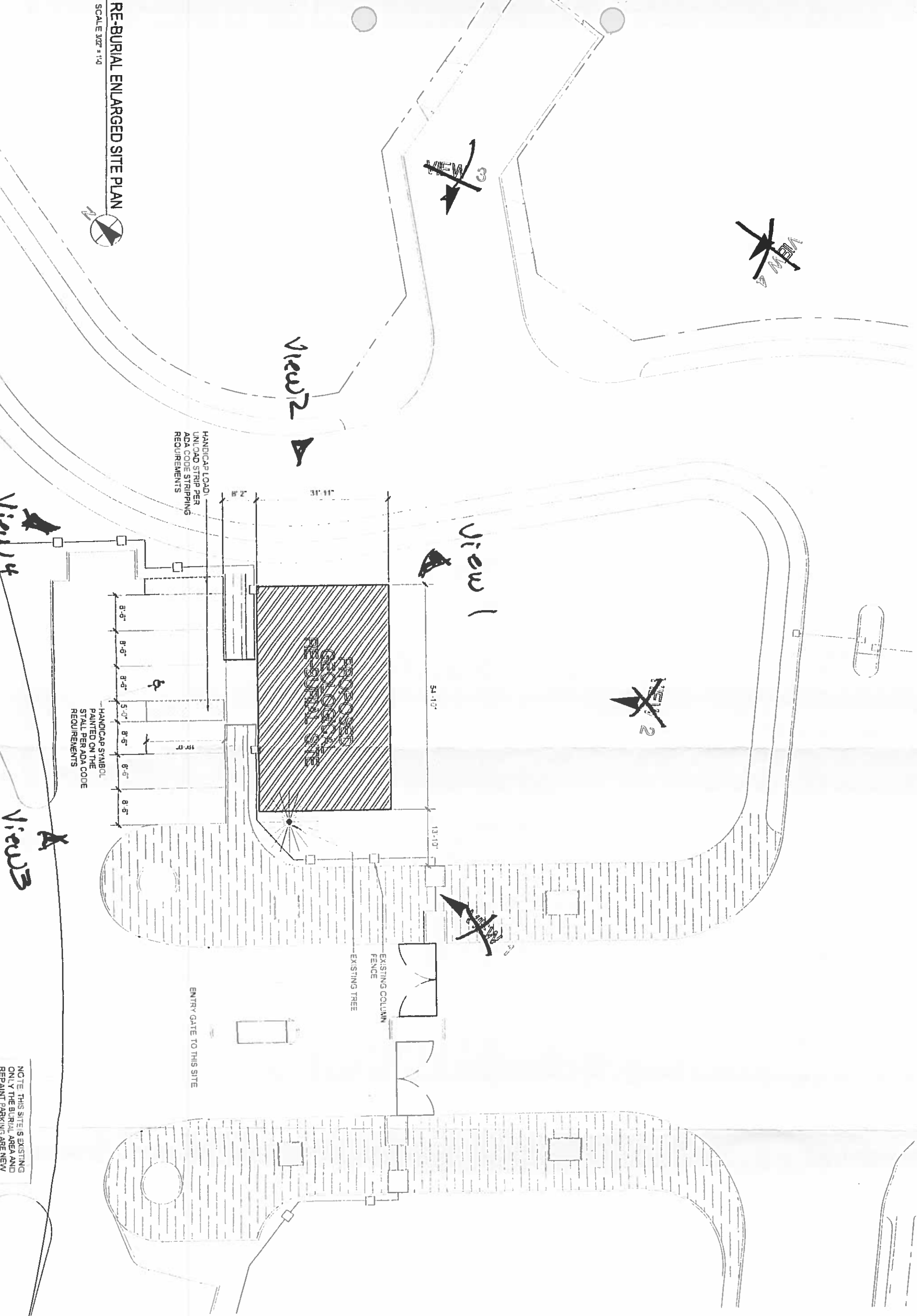
Sheet Content			
ENLARGED BURIAL SITE PLAN			
Approved	Date	Revision/Issue	No
	12/02/2016	GLUC Status Update Revision	02

Print Name and Address			
GUAM WAIFANG CONSTRUCTION 125 SUNNY PLACE 125 TUN JUAN CHANGING ST TUALANG, GUAM 96073			

PROPOSED GEOLOGICAL  
RE-BURIAL SITE  
PAGO BAY LAGUNA RESORT

01/11/16

RE-BURIAL ENLARGED SITE PLAN  
SCALE 1/32" = 1'-0"



NOTE: THIS SITE IS EXISTING  
ONLY THE BURIAL AREA AND  
REPAINT PARKING ARE NEW